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JOSEPH OWENS, C.Ss.R. (1908–2005)

E. M. Macierowski

THE athletic Canadian Redemptorist priest, missionary, scholar, writer, teacher, and teacher of teachers, Joseph Owens, was still jauntily walking from St. Patrick's parish in downtown Toronto up to his office across the street from Queen's Park well past retirement age, still swimming the length of Hart House pool underwater, spending many summers as informal lifeguard and swimming instructor at Chapel Grove, New Brunswick, and at 76 still water-skiing. He taught in word and in deed that being is an act, and active he was.

Born 17 April 1908 in Saint John, New Brunswick, Joseph Owens, the son of Louis Owens and Josephine Quinn, was baptized the very next day in the Redemptorist parish of St. Peter's and attended St. Peter's school (1914–22). He received a classical education at the Redemptorist juvenile St. Mary's College in Brockville, Ontario (1922–27) and at St. Ann's College in Montreal, Quebec (1928–30). After a year in the Redemptorist novitiate, under Father Peter Costello, on 2 August 1928 he was professed into the Order at Saint John, New Brunswick. Thence he left for Woodstock, Ontario for theological training at St. Alphonsus Seminary (1930–34), where he was ordained to the priesthood on 18 June 1933 by Bishop John T. Kidd of London. He served a year as parish assistant at St. Joseph's Church in Moose Jaw, Saskatchewan (1934–35) and then was assigned to St. Patrick's Church, Toronto (1935–36). He also served as chaplain for the Toronto General Hospital, and as a student at the fledgling Institute of Mediaeval Studies in 1935—the year that its founder Etienne Gilson requested a Pontifical charter which was granted in 1939—Father Owens embarked upon an association with the Institute that would continue for more than half a century. In the following years, even before earning his Licentiate from the Institute in 1946, he spent the first of three tours of duty teaching philosophy at St. Alphonsus Seminary at Woodstock (1936–40).

European tyrannies and World War II displaced many people, some coming for refuge to Canada. Father Owens was assigned as a missionary at Maria-Hilf Church, Tomslake, British Columbia (1940–44) where, according to the Redemptorist Archives, he arrived in July 1940 “to work among the Sudetans of the Tate and Tupper Creek districts,” giving “unremitting attention to the children of these people. Every week he instructed them. He thus strove to

raise up a generation that would be solidly grounded in the faith and weaned away from the anti-clerical prejudices of their parents.” In his own article “Among the Sudetans in B.C.,” Owens speaks of the 150 German-speaking families who had fled for their lives from the Sudeten District of Czechoslovakia for their “new home near Tupper Creek [near Dawson Creek, close to the Alberta border] in the Peace River Block of British Columbia,” of the new “Catholic Summer School of Religion,” of the arduous work of the Sisters of Service slogging through muck and driving across streams to catechize widely scattered children, and of the need to “bring the children together in some kind of camp” to make their work more effective. As he left the Gundy Ranch area south of Dawson Creek to return to the academic world, seventy students came on 5 September 1944 into the care of two Sisters of Providence for the opening of a Catholic school, “the first in the town or district.”

Having resumed studies at the Pontifical Institute of Mediaeval Studies in 1944, he earned his Licentiate in Mediaeval Philosophy (M.S.L.) *summa cum laude* in 1946, attended the Redemptorists’ General Chapter representing the Toronto Province in Rome, and spent the following year in part teaching Ukrainian Redemptorists at Yorkton, Saskatchewan and in part back in Toronto studying at the Pontifical Institute (1947–48), before returning as professor at Woodstock (1948–51), where doubtless he was completing the documentation for his celebrated dissertation *The Doctrine of Being in the Aristotelian “Metaphysics”: A Study in the Greek Background of Mediaeval Thought*. Under the guidance of Etienne Gilson and Anton C. Pegis, this important book and its legendary public defense helped earn him his Doctorate in Mediaeval Studies (M.S.D.) *summa cum laude* from the Pontifical Institute in 1951 and went through three editions. Philologically sensitive and philosophically acute, Owens’s conclusion is that “the ‘ontological’ conception of the science . . . is nowhere to be found in the *Metaphysics*” (1st ed., p. 299). Gilson’s preface underscores the importance of this book: “Scholars are both born and made. In 1929, we could only hope that such students would come to us, and we could only keep ourselves in readiness for their possible coming. In fact, they did come, and this first volume is for us the tangible proof that twenty years of silent work have not been in vain” (p. v).

After returning to St. Patrick’s and the Pontifical Institute (1951–52), he was assigned to teach moral philosophy at the Accademia Alfonsiana in Rome (1952–53). Back in Canada, he was Professor of Philosophy at Woodstock (1953–57), taught at Assumption University in Windsor, Ontario (1954–65), and was elected Senior Fellow of the Pontifical Institute in 1954, joining the staff of the Department of Philosophy at the University of Toronto in the same year. “Unlike the Aristotelian, Thomistic metaphysics does not claim to offer

man his beatitude,” he observed in his 1957 Marquette Lecture, *St. Thomas and the Future of Metaphysics* (p. 57), having playfully tweaked enthusiasts who would treat Aquinas’s doctrine as a sort of *philosophia perennis*: “The sum total of human intellectual achievement would have been already attained and would remain complete for admiration and respect but not open to progress or change” (p. 2). The study of being, under that interpretation, would be over; metaphysics would as such cease, and be replaced by history.

When Owens wrote a history of philosophy, he was alive to important philosophical options. In *A History of Ancient Western Philosophy* (1959), he saw Parmenides as the founder of Western metaphysics: “The great Eleatic thinker has sketched the issues so clearly that he can be opposed only by denying all content to being or by finding a way in which not-being or things other than the nature of being somehow are. The former alternative, popular in recent times, was not attempted by the Greeks. They stayed in that regard within the Parmenidean position of the problem, namely that being is meaningful” (p. 72). Owens never abandoned the fundamental conviction that being is meaningful; he spent his life trying to articulate the wealth of its meanings. Fully aware of the latest trends of contemporary academic philosophy, he nevertheless persisted on the path of being.

His book *An Elementary Christian Metaphysics* (1963) submerged his philosophical and historical erudition into the footnotes, along with “the pseudo problems that clog the history of metaphysics,” in favor of “arousing and developing in rudimentary form a habit of mind that will equip the undergraduate student to approach metaphysical subjects.” Aware of certain important differences, he explicitly called his study “Christian,” a controversial title that “denotes . . . a metaphysical treatment of the actual world, a unified world that is known basically through the senses but in a further way through Christian faith” (p. v). Though willing to recognize that his book might be described as “an existential metaphysics” in the sense “that the starting point of its investigation is dominantly the existence of external, sensible, non-human things,” he balked at adopting “the title of a Thomistic metaphysics . . . as presumptuous, or at least premature,” even though his treatment “would direct the student to approach reality under the guidance of original Thomistic texts” (p. vii). “But,” he added, “the things themselves, directly known, are the source for the principles of the science” (p. viii). Owens explodes a number of academic myths in this book (notably, on the origin of the name “metaphysics,” p. 3).

Offering a more personal presentation in *An Interpretation of Existence* (1968), Owens addressed a broader audience in the Horizons in Philosophy Series: “both classroom usage and general educated readership” (cover blurb). Starting with Heidegger’s question in the *Einführung in die Metaphysik*—

“But still a *question*, the question: Is ‘being’ a mere word, and its meaning a haze or the spiritual destiny of the West?”—as a motto, Owens poses the problem of existence and then discusses how we grasp it, its characteristics, its cause, how it is bestowed, and what it means in a brief six chapters.

Father Owens was promoted from Assistant Professor to Associate Professor of Philosophy at the University of Toronto (1954–61) and served as a Professor of Graduate Studies (1961–77), overseeing left-over doctoral dissertations well past his official retirement from the university. In this capacity, he was now addressing future professors and showing his capacity as a teacher of teachers. Among his many graduate seminars was one focusing on the metaphysics of St. Thomas Aquinas. At the beginning of the term he would introduce students to the Mandonnet-Moos edition of the *Scriptum super libros Sententiarum*, write a couple of Latin quotations from it on the blackboard, explain how the two sentences seemed to contradict each other, and then show how the $\alpha\pioo\alpha$ —the dialectical logjam—could be broken, exhibiting finally how the discordant texts could be resolved harmoniously. Then at the end of the class, he would write another pair of apparently contradictory sentences from Aquinas on the blackboard and invite one of the graduate students to write a paper to be delivered next seminar. The following week would begin with a brief paper (perhaps ten or twenty minutes), in which the student would translate, expound, and attempt to resolve the issue, sometimes successfully. During the delivery, Owens sat at the head of the long seminar table, wire-rimmed glasses lifted over his forehead, scribbling brief notes, and then opened the floor for discussion by asking first, “Are there any questions about doctrine?” If the students had not already caught something on his hit list, he would ask the last couple of questions. Then he would ask, “Any questions about method?” If there were still loose ends, and the presenter could not handle the question, only then would Owens speak. The purpose of this drill was to prepare students to write lectures, scholarly papers, and books. One graduate student was heard to have said after asking some questions, “This is the first teacher I’ve ever had who actually answered my questions.” Whether it was thinking through the Pre-Socratics, or Aristotle’s *Nicomachean Ethics*, or Thomistic metaphysics, Owens expected a week or two of careful research to go into those brief presentations. Even students who were obviously out of their depth, taking a course outside their specialty, were never met with an unkind word from Owens. He seemed to be like a swimming coach: habits are acquired through actions repeated until they become second nature.

In 1963 he was elected a Fellow of the Royal Society of Canada and served as the Secretary of Academy II, 1969–72. He served as a member of the Catholic Commission for Intellectual and Cultural Affairs from 1968. He was Visit-

ing Professor at Purdue University in the fall term of 1968 and again in 1970. He was awarded the Aquinas Medal by the American Catholic Philosophical Association in 1972, and he received honorary degrees from several universities: Mount Allison (D.Litt., 1975), The Catholic University of America (D.Hum.Litt., 1984), and St. Francis Xavier in Antigonish, Nova Scotia (1988).

From the beginning of his academic career, Father Owens the scholar wrote specialized articles for experts and wrangled with other professional philosophers at conferences. One significant dimension of his scholarship was his willingness to provide a forum for philosophical discussion. He was an active member of the editorial boards of the *Monist* from as early as 1961, of *The New Scholasticism* (1965–79), and of *Ancient Philosophy* from 1980, and he chaired the Department of Publications at the Pontifical Institute of Mediaeval Studies from 1969 to 1973. As a member of the *The Monist* editorial board, he orchestrated issues dealing with the philosophy of Duns Scotus (1965), philosophic proofs for God's existence (1970), Thomas Aquinas 1274–1974, Parmenides studies (1979), right reason in Western ethics (1983), the nature of soul (1986), and Christian philosophy (1992). He presided over the American Catholic Philosophical Association, 1965–66; the Metaphysical Society of America, 1971–72; the Society for Ancient Greek Philosophy, 1971–73; and the Canadian Philosophical Association, 1981–82.

What is his legacy? In some forty years at the Pontifical Institute of Mediaeval Studies, Father Joseph Owens, C.Ss.R., guided hundreds of philosophy graduate students through their doctorates; in his sixty years as a Redemptorist he taught philosophy to most English-speaking Redemptorists in Canada. He wrote more than a dozen books and close to 250 scholarly articles and reviews. Indeed, it might be said that the utterly unpretentious Father Owens helped the Pontifical Institute become a quiet outpost of Canadian intellectual imperialism, placing his students into teaching posts at most of the leading Catholic colleges and many of the major research universities in the United States for almost two generations. And as a priest according to the order of Melchizedek, he administered the sacraments to the displaced children of the Suderland in Canada and the frolicking swimmers of New Brunswick and exercised his intellectual apostolate until his powers of mind began to fade, dying at the Providence Centre in Toronto on 30 October 2005. After a memorial Mass on 3 November, a funeral Mass was celebrated on the 7th at St. Peter's Church back home in Saint John, New Brunswick. He participated in the act of existence and, even now, perhaps may be saying a prayer on our behalf. *Pater Joseph, ora pro nobis.*

Benedictine College.

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Editor’s note: A full bibliography of Joseph Owens’s works is included in Joseph Owens, *Aristotle’s Gradations of Being in “Metaphysics” E–Z*, ed. Lloyd P. Gerson (South Bend, Ind.: St. Augustine’s Press, 2006), listing by year Owens’s books, articles, and reviews, together with reviews and studies of his works by other authors. A bibliography of works before 1983 has been published in *Graceful Reason: Essays in Ancient and Medieval Philosophy Presented to Joseph Owens on the Occasion of his Seventy-Fifth Birthday and the Fiftieth Anniversary of his Ordination*, ed. Lloyd P. Gerson, Papers in Mediaeval Studies 4 (Toronto: Pontifical Institute of Mediaeval Studies, 1983), 419–33, with books, articles, reviews, and criticism in separate lists, arranged alphabetically. The bibliography presented here, containing chronological lists of Owens’s books, articles, and reviews, is a rearrangement of the lists in *Graceful Reason*, supplemented by entries from Owen’s files at the Pontifical Institute of Mediaeval Studies and the lists that Lloyd P. Gerson, Ron B. Thomson, and E. M. Macierowski kindly made available.

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REFLECTING THE ROYAL SOUL: THE *SPECULUM ANIME* COMPOSED FOR BLANCHE OF CASTILE*

Sean L. Field

MIRRORS can be deceiving. In 1888 Léopold Delisle noted the existence of a French text entitled the *Miroir de l'âme* (Mirror of the Soul), with the Latin incipit *Audi domina et vide*, in Paris, Bibliothèque Mazarine 870.¹ Although this manuscript dates from 1295, Delisle argued that the text had originally been composed for Blanche of Castile, the queen of France who died in 1252. Delisle limited himself to transcribing the prefatory letter and a few paragraphs from the tract, and since then the treatise has languished in relative obscurity. Blanche's subsequent biographers have made only brief references to Delisle's article.² Based on their cursory attention to the work, Régine Pernoud and Gérard Sivréy both suggested that the text might have been written by a nun in Blanche's circle.³ This "mirror," however, has been

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¹ Léopold Delisle, "Durand de Champagne," in *Histoire littéraire de la France* 30 (Paris, 1888), 302–33 (325–29 on the *Miroir de l'âme*). See also Auguste Molinier, *Catalogue des manuscrits de la Bibliothèque Mazarine*, vol. 1 (Paris, 1885), 408–9.

² See Élie Berger, *Histoire de Blanche de Castille* (Paris, 1895), 316; Régine Pernoud, *Blanche of Castile*, trans. Henry Noel (New York, 1975), 95–96; Gérard Sivréy, *Blanche de Castille* (Paris, 1990), 226; and Philippe Delorme, *Blanche de Castille: Épouse de Louis VIII, mère de Saint Louis* (Paris, 2002), 237–39, 312.

³ Berger simply wondered whether one of the intimates of Blanche's household might have written the text; Pernoud wrote, "the text may well be the work of a woman. . . . Probably the writer was a nun who had already benefited from the royal open-handedness"; Sivréy combined these positions by asserting that the *Miroir* was probably the work of *une religieuse* of the royal entourage; and Delorme echoes Pernoud and Sivréy. See the preceding note for references.

reluctant to reveal all its secrets. Only recently, for instance, has it been pointed out that the French text survives in at least three later copies.⁴ More importantly for this article, Delisle, in spite of his legendary mastery of the medieval manuscript collections of Paris, failed to note that the Mazarine text was in fact a translation of a Latin *Speculum anime* found, among other places, in Paris, Bibliothèque nationale de France lat. 14878.⁵ On the other hand, the existence of the Latin *Speculum anime* with the incipit *Audi domina et vide* was noted long ago. Bibliographers going back to the sixteenth century have attributed a work with this title and incipit to John Pecham, the thirteenth-century theologian and archbishop of Canterbury.⁶ Thus, depending

⁴ Richard H. Rouse and Mary A. Rouse, *Manuscripts and Their Makers: Commercial Book Producers in Medieval Paris, 1200–1500*, 2 vols. (Turnhout, 2000), 1:152–54; and Geneviève Hasenohr, “Les prologues des textes de dévotion en langue française (XIII^e–XV^e siècles): Formes et fonctions,” in *Les prologues médiévaux: Actes du Colloque international organisé par l’Académie Belgica et l’École française de Rome avec le concours de la F.I.D.E.M. (Rome, 26–28 mars 1998)*, ed. Jacqueline Hamesse (Turnhout, 2000), 593–638 (manuscripts noted at 618; prologue, transcribed from Paris, Bibliothèque nationale de France fr. 1802, at 621–22). I thank Robert E. Lerner for bringing the latter article to my attention. Shorter references to the *Miroir de l’âme* are also found in Tracy Chapman Hamilton, “Queenship and Kinship in the French Bible Moralisée: The Example of Blanche of Castile and Vienna ÖNB 2554,” in *Capetian Women*, ed. Kathleen Nolan (New York, 2003), 177–208, at 181; and Elizabeth S. Hudson, “The Psalter of Blanche of Castile: Picturing Queenly Power in Thirteenth-Century France” (Ph.D. diss., University of North Carolina at Chapel Hill, 2002), 137–39. I discuss the Latin and French versions briefly in *Isabelle of France: Capetian Sanctity and Franciscan Identity in the Thirteenth Century* (Notre Dame, 2006), 24–26.

⁵ Delisle himself had given only a summary description of this manuscript’s contents when he had catalogued it several decades earlier. See Léopold Victor Delisle, *Inventaire des manuscrits latins conservés à la Bibliothèque Nationale sous les numéros 8823–18613*, part 3 (Paris, 1863–71; rpt. Hildesheim and New York, 1974), 55. The entry simply reads “14878. Flores S. Bernardi. —Speculum anime (148). —XIV s.”

⁶ John Bale, *Scriptorum illustrium maioris Brytannie, quam nunc Angliam & Scotiam uocant, catalogus* (Basel, 1557), 348–50 (no. 64), at 349, attributes the “Speculum anime, lib. I, Audi domine & vide & inclina” to Pecham. This information is then repeated in John Pits, *Relationum historicarum de Rebus Anglicis tomus primus* (Paris, 1619), 380–82 (no. 427), at 380. Luke Wadding followed Pits in his *Scriptores ordinis minorum* (Rome, 1650), 217, and A. G. Little’s *Initia operum latinorum quae saeculis xiii. xiv. xv. attribuuntur* (Manchester, 1904), 27, in turn cites Wadding. In 1948 G. Melani in *Tractatus de anima Ioannis Pecham* (Florence, 1948), xxiii–xxvi, showed that the *Speculum anime* with the incipit *Audi domina* was not the same as Pecham’s *Tractatus de anime*, or the Pseudo-Bonaventurian *Speculum* (incipit *Arbor mala*). Melani did not offer an opinion on whether the *Audi domina* text was really the work of Pecham, but G. E. Mohan, “Initia operum Franciscalium,” *Franciscan Studies* 35 (1975): 36*, continued to attribute it to him, citing Pits, Wadding, Little, and Melani. In their entry for London, British Library Royal 16.E.v, George F. Warner and Julius P. Gilson described the copy of the *Miroir de l’âme* found there as “a translation . . . of a Speculum Animae which does not seem to be otherwise known, unless it is the lost work of that title assigned to Archbishop John Peckham (d. 1292) by Bale and Wadding.” See George F. Warner and Julius P. Gilson, *Cata-*

on the language in which scholars have encountered this text, they have pronounced it either the work of an anonymous nun or one of the more illustrious schoolmen of the thirteenth century. This “mirror” has reflected only entrenched notions about the likely origins of vernacular and Latin texts. Consequently, the larger picture of the work’s genesis, translation, and circulation has not been brought to light. In the present article I begin to piece together the story of the *Speculum anime/Miroir de l’âme* by editing the original Latin text, reassessing the evidence for Blanche of Castile’s association with it, suggesting possible identities of its author, and analyzing its composition process and the advice it imparts.⁷

THE RECIPIENT AND DATE

The *Speculum anime* was certainly written for a noble woman, addressed as *domina* or *karissima domina*. This “lady” must have been a queen of France, because at one point the author urges her to consider what it will be like to face the day of Judgment: “what will you respond when it is said of you, ‘Look! That woman was the queen of France.’”⁸ The possibilities for this queen’s identity can be narrowed down to a handful of women. As we shall see, the *Speculum anime* is a highly derivative work that incorporates passages from texts written in the late twelfth century. On textual grounds, therefore, it could not date from before about 1180. On the other hand, we know that Isabelle of France, the daughter of Blanche of Castile, left a Latin copy of this work to her abbey of Longchamp at her death in February 1270.⁹ The

logue of Western Manuscripts in the Old Royal and King’s Collections, vol. 2 (London, 1921), 195. To my knowledge it has nowhere else been suggested that the French *Miroir de l’âme* with the incipit *Audi domina* was a translation of the *Speculum anime* under consideration here. Hasenohr, “Les prologues des textes de dévotion en langue française,” 621 n. 131, in fact, recently stated “ce n’est pas une traduction.”

⁷ I am preparing separate articles in which I will edit the French text, analyze the translation process and Blanche of Castile’s relationship to the translated version, and trace both versions’ later diffusion.

⁸ “Si cogites quid respondebis cum dicetur de te, ‘Ecce, ista fuit regina Francie’” (*Speculum* 19). I do not believe that this passage can be interpreted as merely a rhetorical reference to an imagined queen of France. The model on which this section of the text is based simply reads “Ecce homo et opera ejus” (see below on the *Meditationes piissimae*), and the author of the *Speculum anime* would not have labeled the intended recipient as the queen of France unless that was exactly what she was.

⁹ Paris, Archives nationales L1027 no. 5, an inventory of Longchamp’s possessions in 1325, records “.1. petit livre qui comence audi domina qui fu madame. . . .” See Gertrud Mlynarczyk, *Ein Franziskanerinnenkloster im 15. Jahrhundert: Edition und Analyse von Besitzinventaren aus der Abtei Longchamp* (Bonn, 1987), 149; and Field, *Isabelle of France*, 24. “Madame” in these inventories always refers to Isabelle, and this “little book” was always catalogued among

possibilities then, are limited to queens of France who were alive between about 1180 and 1270.¹⁰

Here it is necessary, with due caution, to introduce evidence from the French version of the text. Delisle used the prefatory letter attached to the earliest extant French manuscript, Paris, Bibliothèque Mazarine 870, to argue that the French version of the *Miroir de l'âme* was written for Blanche of Castile. His reasoning was sound. Mazarine 870, in its entirety, can be dated securely to December 1295.¹¹ The prefatory letter there discusses the rationale for the text and states, “it is fitting to put many things into writing, and even to translate from Latin into French. . . . For this reason, very noble and very powerful lady, Madame Blanche by the grace of God queen of France, I am sending you this book called “the Mirror of the Soul,” which I have had written for you.”¹² Moreover, the passage cited above concerning the day of Judgment is expanded to read “Look, look! See this one here who was such a great lady and so noble in the world, who was called Madame Blanche the queen of France.”¹³ Mazarine 870 was obviously copied from an exemplar that had been prepared for a queen of France named Blanche. Only Blanche of Castile fits that description before 1295. It is virtually certain, therefore, that Blanche was the original recipient of the translated version. The Latin *Speculum anime* must therefore have been in existence before 1252, her date of death.

Longchamp’s Latin titles. The *Speculum anime* could not have been originally written for Isabelle, however, because she was not a “regina Francie.”

¹⁰ Besides Blanche of Castile, the other women who fit this criteria would be Philip Augustus’s wives Isabelle of Hainault († 1190), Ingeborg of Denmark († 1237), and Agnes of Méran († 1201); Philip’s mother Adela of Champagne († 1203) and grandmother Eleanor of Aquitaine († 1204); and Blanche’s daughter-in-law Marguerite of Provence († 1295).

¹¹ The manuscript contains a copy of the *Somme le roi* (fols. 1–191) and the *Miroir de l'âme* (fols. 192–207). It is true that the scribe, Étienne de Montbéliard, identified himself and recorded the date of December 1295 on fol. 191 at the end of the copy of the *Somme*, rather than at the end of the *Miroir*. But the manuscript as a whole was clearly planned and carried out all at once: Etienne de Montbéliard’s hand continues throughout, the same illustrator (the “Papeleu Master”) worked on both the *Somme* and the *Miroir* sections, and the layout (including rulings and the format in two columns and twenty-six lines) is uniform for the entire manuscript. While the *Miroir* section of the manuscript might have been copied shortly after December 1295, its date cannot be pushed back any further. My conclusions agree with those expressed in Rouse and Rouse, *Manuscripts and Their Makers*, 152–53.

¹² “Et pour ce, convient il moult de choses metre en escription et meismeement translater de latin en françois, pour ce que chascune chose soit meuz seu et plus communement. Et pour ce, tres noble et tres puissant dame, Madame Blanche par la grace de Dieu royne de France, je vous envoi ce livre que l’en apele ‘Le miroer de l’ame’ que j’ai fet escrire pour vous” (Paris, Bibliothèque Mazarine 870, fol. 192rb). The three known variant manuscripts have “que j’ai fet translater et escrire pour vous.”

¹³ “Esgardez, esgardez, veez, ci ceste qui fu si grant dame et si noble ou monde, que l’en apeloit Madame Blanche la royne de France . . .” (*ibid.*, fol. 200vb).

This leaves the question of whether the text could originally have been written in Latin for an earlier queen—one of Philip Augustus’s three wives, perhaps—and only subsequently translated into French for Blanche. There is no evidence, however, that would lead in this direction. To the contrary, Mazarine 870 is our earliest extant manuscript of the text in either language, and it explicitly connects the work to Blanche of Castile. The prefatory letter cited above refers to both writing and translating, as though they were closely linked. The fact that Blanche’s daughter possessed a Latin copy of the text strengthens its association with this queen. All the available evidence thus suggests that Blanche of Castile was the queen of France for whom this work was created. The Latin text was most likely composed with her in mind and then translated and presented to her.¹⁴

This reasoning allows us to date the composition of the Latin *Speculum anime* to within a few decades. Blanche of Castile married the future Louis VIII in 1200, but since the text refers to her as queen of France, it must have been written after the royal couple’s coronation on 6 August 1223 (or at least after Philip II’s death on 14 July),¹⁵ and of course before Blanche’s death on 26 or 27 November 1252.

AUTHOR

Who, then, was our author? On this question, unfortunately, we have little reliable evidence. As mentioned above, the Franciscan John Pecham has been suggested, as well as a nameless nun. But neither of these attributions is in fact persuasive. Pecham is chronologically unlikely. He was probably born around 1230, and so was only twenty-two when Blanche died. He may have been at Paris as a student in his youth, but at the time he surely would not have presented a work of spiritual direction to a queen. He began his rise to prominence only after returning to Paris to study and teach theology around 1259, too late to be the author of our work.¹⁶ In any case, the *Speculum anime*

¹⁴ The question of whether the author and translator were one and the same person is obviously important but cannot be dealt with adequately here. I intend to return to this question in a separate article.

¹⁵ Documents before 1223 generally just call Blanche the “wife of Louis.” In a surviving letter from 1212, however, Blanche referred to herself as queen of France—according to Sivéry this followed Castilian usage (*Blanche de Castille*, 41). One might argue, therefore, that an author wishing to flatter Blanche could have adopted this title before 1223. But since the entire tone of the work is hardly flattering, and harps on the dangers of vanity, this sort of forced obsequiousness does not seem a likely interpretation.

¹⁶ See Alain Boureau, *Théologie, science et censure au XIII^e siècle: Le cas de Jean Peckham* (Paris, 1999), 140.

was probably attributed to him only as the result of confusion with his unrelated *Tractatus de anima*. Nor does authorship by a nun seem inherently likely. This idea stemmed generally from the assumption that a thirteenth-century religious text in the vernacular was likely to have been written by a woman, and specifically from an illumination in the earliest manuscript containing this version (Mazarine 870, fol. 192ra) that depicts a nun, probably a Cistercian, presenting a mirror to a queen. We now know, however, that the text was originally composed in Latin, so preconceived links between female authorship and the vernacular are unhelpful. As to the illustration, whatever message the illuminator of Mazarine 870 (the “Papeleu Master”) may have intended to convey, it would be more relevant to the copying of the text in 1295 than to its original composition. Thus, though female authorship need not be ruled out, the factors that first led to this supposition are negated, and there seems no intrinsic reason to lean in this direction.

Since none of the extant manuscripts provides any attribution, further speculation on who the author might have been must be based on external considerations or textual clues. It is possible, of course, that our treatise was compiled by an unknown, some obscure figure hoping to gain royal attention. Yet it seems unlikely that anyone wrote this work specifically to curry favor with Blanche. Not only is it thoroughly derivative, and hence not likely to spark admiration in its reader, but it often adopts a chastising tone that might suit an established spiritual counselor but would risk raising the royal ire if employed by an outsider. For instance, an author aspiring to royal favor might have thought twice before offering passages such as “If you diligently consider what may come out of the mouth and nose and other bodily openings, you have never seen such vile dung! If you should wish to enumerate each of [the body’s] miseries—how weighed down you are with sin, entangled with vices, beset with lust, occupied by the passions, polluted with illusions, always prone to evil and inclined to every vice, you will find a woman full of all confusion and disgrace because of the flesh!” (*Speculum* 25). Only someone writing from an established position of spiritual authority would be likely to address such language to the queen of France. Our author, then, was probably part of the circle of royal advisors in some capacity. I will here raise two possibilities.

First, in searching among the spiritual advisors known to have been close to Blanche, a confessor would be the obvious candidate. Since only one man has ever been reliably identified as a confessor to Blanche, this line of thinking leads to William of Auvergne (ca. 1180–1249). William was a canon of Notre Dame de Paris by 1223, regent master of theology at Paris from at least 1225

to 1228, and bishop of Paris from 1228 until his death.¹⁷ He was an important intellectual figure in his day, but also a practical church official and influential royal counselor. He was undoubtedly willing and able to impose his guidance on the queen's religious decisions. For example, the contemporary Dominican Stephen of Bourbon relates that when Blanche thought of going on pilgrimage to Saint-Jacques de Compostela, William rebuked her for her ostentatious spending and sternly insisted that she instead redeem the debts of the local Dominicans (since they were, after all, known locally as *les frères de St. Jacques*). William even personally guaranteed that at the last judgment she would get credit for this meritorious act.¹⁸ More broadly, again according to Stephen of Bourbon, when Louis and Marguerite's first child was born, William was called in to break the unwelcome news to Louis that it was a girl.¹⁹ Matthew Paris further relates that William sided with Blanche in actively trying to dissuade Louis IX from going on crusade after 1247,²⁰ and Robert of Sorbonne recalled in a sermon how William once warned Louis and his brother Robert of Artois against dispensing alms merely for the sake of appearances.²¹ William was obviously not shy about offering moral and practical advice to the royal family.

Furthermore, the *Speculum anime* seems to match several of William's interests and activities as recent scholars have established them. In his *De universo creaturarum* he remarked that he wanted to write a treatise "by which the human soul might be able to become acquainted with itself and know itself"—the opening sentiment of the *Speculum anime*.²² He was,

¹⁷ See the essays in *Autour de Guillaume d'Auvergne*, ed. Franco Morenzoni and Jean-Yves Tilliette (Turnhout, 2005); for a briefer assessment, see Paul Viard, "Guillaume d'Auvergne," in *Dictionnaire de spiritualité*, vol. 6 (Paris, 1967), cols. 1182–92; and Palémon Glorieux, *Répertoire des maîtres en théologie de Paris au XIII^e siècle*, vol. 1 (Paris, 1933), 315–20. The only substantial biographical treatment of William is Noël Valois, *Guillaume d'Auvergne, évêque de Paris (1228–1249): Sa vie et ses ouvrages* (Paris, 1880).

¹⁸ A. Lecoy de la Marche, *Anecdotes historiques, légendes, et apologues, tirés du recueil inédit d'Étienne de Bourbon* (Paris, 1877), 389. This anecdote provides the only specific evidence known to me that William was Blanche's confessor.

¹⁹ Ibid., 388.

²⁰ Cited by Pernoud, *Blanche of Castile*, 235, and Valois, *Guillaume d'Auvergne*, 150–52. Matthew also included an image of Blanche and William together at Louis's sickbed in the copy of his *Chronica maiora* found in Cambridge, Corpus Christi College, Parker Library 16, fol. 182r. For reproductions of this image, see the cover of *Autour de Guillaume d'Auvergne*, ed. Morenzoni and Tilliette; and Jacques Le Goff, *Saint Louis* (Paris, 1996), plate 6.

²¹ Cited by Jacques Berlioz, "La voix de l'évêque: Guillaume d'Auvergne dans les *exempla* (XIII^e–XIV^e siècle)," in *Autour de Guillaume d'Auvergne*, ed. Morenzoni and Tilliette, 9–34, at 22. The sermon was given 14 November 1260. See this article generally for William's appearances in *exempla*.

²² Cited by Roland J. Teske, "William of Auvergne's Spiritualist Concept of the Human

according to Alan Bernstein, “very concerned to protect belief in the physical nature of punishment after death,” a point underlined vigorously in the *Speculum*, and he “advocated the dissemination of a simple, literal view to the faithful” on this matter.²³ Moreover, although he is usually now remembered as a theologian and schoolman, William did write pastoral works of spiritual advice, such as his *De claustro animae*.²⁴ Indeed, Lesley Smith has suggested that his works on confession (the *Tractatus novus de penitentia* and the relevant portions of his *De sacramentis*) might have been intended for Blanche and Louis’s attention.²⁵ With this in mind, it would be possible to imagine him also piecing together a work such as the *Speculum anime* for Blanche’s guidance.

William thus seems a plausible enough candidate. But, on the other hand, the style, composition process, and tone of the text do not match particularly well with William’s known output. William has been praised as particularly inventive as an author and as a wit who reveled in word play, while our treatise is resolutely unoriginal.²⁶ Moreover, even if the *Speculum anime* were assumed to be the work of a confessor to Blanche, this would not assure that William was the author, since Blanche must have had other confessors, if only after William’s death in 1249.²⁷

Being,” in *Autour de Guillaume d’Auvergne*, ed. Morenzeni and Tilliette, 35–53, at 36. William did in fact write such a treatise, the *De anima*.

²³ Alan E. Bernstein, “Esoteric Theology: William of Auvergne on the Fires of Hell and Purgatory,” *Speculum* 57 (1982): 509–31, quotations at 509 and 510. For a challenge to this view, see Jacques Le Goff, *The Birth of Purgatory*, trans. Arthur Goldhammer (Chicago, 1984), 241–45. See also Bernstein, “Theology Between Heresy and Folklore: William of Auvergne on Punishment after Death,” *Studies in Medieval and Renaissance History* 5 (1982): 1–44.

²⁴ This work is briefly summarized in Viard, “Guillaume d’Auvergne,” col. 185. An early edition is J. Clichtove, ed. *Guilhelmus Parisiensis De claustro anime [et] Hugonis de Sancto Victore [sic] De claustro anime libri quatuor* (Paris, 1507). For manuscripts, see the “List of Manuscripts and Editions” compiled by Jennifer R. Ottman, in *Autour de Guillaume d’Auvergne*, ed. Morenzeni and Tilliette, 378–79.

²⁵ Lesley Smith, “William of Auvergne and Confession,” in *Handling Sin: Confession in the Middle Ages*, ed. Peter Biller and A. J. Minnis (York, 1998), 95–107. A similar assessment of William’s attention to a wider, lay audience is found in Smith, “William of Auvergne and the Jews,” in *Christianity and Judaism*, ed. Diana Wood, *Studies in Church History* 29 (Oxford, 1992), 107–17, at 109–10.

²⁶ See the comments of Peter Biller in *The Measure of Multitude: Population in Medieval Thought* (Oxford, 2000), 64–67. Robert E. Lerner provided me with this reference. On William as an “episcopus facetus” see Berlioz, “Le voix de l’évêque” (cited above).

²⁷ Renaud de Corbeil was William’s successor as bishop of Paris, and it is sometimes said that he became Blanche’s confessor as well (for example, Delorme, *Blanche de Castille*, 252). He apparently ministered to the queen on her death bed, but I know of no further evidence that he filled the role of confessor.

Following a second line of inquiry, it might be reasonable to place the work in a Cistercian context. Blanche was well known as a patron of the Cistercians, an association that dates from before her coronation in 1223. The *Speculum anime*, as we shall see, is heavily based on a pseudo-Bernardine work, and the earliest extant Latin manuscript has the text following a compilation of *Flores sancti Bernardi*. Moreover, Einar Már Jónsson, who has studied twelfth and thirteenth-century literary “Mirrors,” argues that many can be associated with a Cistercian milieu, going so far as to assert that “one can speak of a Cistercian tradition of *Mirrors*.²⁸ Indeed, Jónsson opines that the *Miroir de l’âme* dedicated to Blanche was “very probably of Cistercian origin,” though without offering specific justification for the assertion. Perhaps, then, we should look for our author among Cistercians close to Blanche. Surprisingly, however, there is no single Cistercian, male or female, known as a main advisor to the queen. A number of leading members of the order were, of course, in close contact with the court; Walter, abbot of Pontigny and then bishop of Chartres, would be one example.²⁹ But Blanche was apparently not under the particular spiritual guidance of any one Cistercian.

In fact, the best candidate from a Cistercian milieu might be Vincent of Beauvais (†1264). Though a Dominican himself, Vincent was lector at the Cistercian abbey of Royaumont, which was begun by Blanche and Louis in 1228 and consecrated in 1235 or 1236. Vincent probably joined the Dominicans before 1220, studied in the Dominican school at Paris in the 1220s, and then spent time at their house in Beauvais before obtaining his position at Royaumont in 1246 where he remained until around 1260.³⁰ Several indications make Vincent a possible author. First, he certainly favored the title of *Speculum* for his output—his major work is the *Speculum maius* (first version completed by about 1244). In its revised tripartite form, the work’s constituent parts were the *Speculum naturale*, *Speculum doctrinale*, and *Speculum historiale* (a *Speculum morale* was added after his death).³¹ Second, he was a

²⁸ Einar Már Jónsson, “Le sens du titre *Speculum* aux XII^e et XIII^e siècles et son utilisation par Vincent de Beauvais,” in *Vincent de Beauvais: Intentions et réceptions d’une oeuvre encyclopédique au Moyen Âge*, ed. Monique Paulmier-Foucart, Serge Lusignan and Alain Nadeau (Paris, 1990), 11–32, quotation at 27. My translation.

²⁹ See Anselme Dimier, *Saint Louis et Cîteaux* (Paris, 1954) for detailed listings of contact between Cistercians and the royal court.

³⁰ For an introduction to Vincent of Beauvais, see Monique Paulmier-Foucart, with the assistance of Marie-Christine Duchenne, *Vincent de Beauvais et le Grand miroir du monde* (Turnhout, 2004). For the establishment of the chronology given here, see Serge Lusignan, *Préface au “Speculum maius” de Vincent de Beauvais: Réfraction et diffraction* (Montreal, 1979), esp. 51–55.

³¹ Serge Lusignan, *Préface au “Speculum maius” de Vincent de Beauvais*; Monique Paulmier-Foucart and Serge Lusignan, “Vincent de Beauvais et l’histoire du *Speculum maius*,”

close associate of the royal family—Jacques Le Goff has called him “the closest ‘intellectual’ to St. Louis.”³² Louis helped to get him his appointment at Royaumont and to fund his projects. Vincent preached in the presence of the royal family and routinely wrote for the Capetian court. Not only did he send an early copy of the *Speculum maius* to Louis, but his moral and educational treatises *De morali principis institutione* and *De eruditione filiorum nobilium* were written for the royal family as well.³³ The latter was begun around 1247 and hastened along by the personal request of Marguerite of Provence.³⁴ He also wrote his *Liber consolatorius pro morte amici* for Louis upon the death of the heir to the throne in 1260.³⁵ It would not be at all difficult to picture him composing one more *Speculum* for the French court.

Moreover, there are intriguing textual clues that may point to Vincent. One comes from comparing the *Speculum anime* with one of Vincent’s lesser known texts, the *Liber consolatorius*. This work in sixteen chapters begins with specific condolences on the king’s loss of his son Louis. But it then progresses through such chapter topics as “On those who are in the pains of Purgatory” (chap. 8), “On souls gathered in the bosom of Abraham” (chap. 10), and “On the future fulfillment of their happiness” (chap. 11). In other words, this work’s treatment of punishment and reward after death overlaps with topics covered in the *Speculum anime*. The relevant point is the use of at least one significant common source. The *Speculum anime*, as we shall see, is drawn largely from a twelfth-century pseudo-Bernardine text known as the *Meditationes piissimae de cognitione humanae conditionis*. Vincent certainly knew this text well; book 28 of the *Speculum historiale* is a *florilegium* of the writings of St. Bernard, of which chapters 19–25 are drawn from the *Meditationes*.³⁶ More specifically, the *Liber consolatorius* and *Speculum anime* em-

Journal des savants 1990 (97–124); J. B. Voorbij, “The *Speculum Historiale*: Some Aspects of Its Genesis and Manuscript Tradition,” in *Vincent of Beauvais and Alexander the Great: Studies on the “Speculum Maius” and Its Translations into Medieval Vernaculars*, ed. W. J. Aerts, E. R. Smits, and J. B. Voorbij (Groningen, 1986), 11–55.

³² Le Goff, *Saint Louis*, 587–92, quotation at 587. My translation.

³³ Vincent of Beauvais, *De morali principis institutione*, ed. Robert J. Schneider, CCCM 137 (Turnhout, 1995); and *De eruditione filiorum nobilium*, ed. Arpad Steiner (Cambridge, Mass., 1938; rpt., New York, 1970); see esp. pp. xix–xx of Schneider’s introduction.

³⁴ Vincent of Beauvais, *De morali principis institutione*, ed. Schneider, xxi–xxiii. These works formed books one and four of an unfinished *Opus universale de statu principis*. For more detail, see Schneider, “Vincent of Beauvais’ *Opus universale de statu principis*: A Reconstruction of Its History and Contents,” in *Vincent de Beauvais*, ed. Paulmier-Foucart, Lusignan, and Nadeau, 285–99.

³⁵ The work is printed in Johannes Amerbach, ed., *Vincentii Bellovacensis Opuscula* (Basel, 1481).

³⁶ I have consulted the Douai edition of 1624. There is no correlation, however, between the passages selected for inclusion in the *Speculum historiale* and those utilized in the *Specu-*

ployed common passages from the *Meditationes* for similar purposes. For example, in chap. 12, “On the fullness of that eternal blessedness,” the *Liber consolatorius* cites “Bernardus in meditationibus suis: hec erunt bona electis, pax, pietas, bonitas, lux, virtus, splendor, honestas, gaudia, leticie, dulcedo, vita perennis, gloria, laus, requies, amor, concordia dulcedo.”³⁷ A glance at *Speculum* 5 shows the same (verse) passage used to the same ends, though without the attribution to Bernard. Similarly, in chap. 14 “On the four joys in which they will communicate with the angels,” Vincent again cites “beatus Bernardus in meditationibus suis: O civitas celestis mansio, secura patria, totum continens quod delectat, populus sine murmure, quam gloriosa dicta sunt de te civitas Dei sicut letantium omnium habitatio est in te.”³⁸ This passage is also used in *Speculum* 6 (both examples cited here come from *Meditationes* 4.11).

There is a second textual clue. Among the other textual borrowings in the *Speculum*, one particularly stands out—a sizable passage taken from Walter of Châtillon’s twelfth-century epic *Alexandreis*.³⁹ Vincent drew on this text regularly in his known writings, for example in both his *De morali principis institutione* and his *De eruditione filiorum nobilium* (possibly indirectly from a florilegium).⁴⁰ Here again we see evidence that the main sources of the

lum anime. Paulmier-Foucart, *Vincent de Beauvais et le Grand miroir du monde*, 19 n. 42, points out that the earlier, 1244, version of Vincent’s work contained an even larger selection of Bernard’s writings.

³⁷ The copy of Amerbach’s edition of Vincent’s *Opuscula* that I consulted (on microfilm owned by Brandeis University) is unpaginated. If the *Liber consolatorius* begins on fol. 302r (following Schneider, in the introduction to *De morali principis institutione*, xix n. 1), then this quotation would come from fol. 325rb. I have checked this passage against Paris, Bibliothèque nationale de France lat. 16390, fol. 41rb (s. XIII, Sorbonne), and nouv. acq. lat. 1469, fol. 41ra–b (dated 1270, Cluny).

³⁸ Amerbach, *Opuscula*, fol. 329ra (see caveat in previous note), checked against lat. 16390, fol. 46ra, and nouv. acq. lat. 1469, fol. 48ra. This passage is ultimately from Cassiodorus, *De anima*, chap. 15; see A. J. Fridh and J. W. Halporn, eds., *Magni Aurelii Cassiodori senatoris Opera*, vol. 1, CCSL 96 (Turnhout, 1973), 568.90–93. The *Liber consolatorius* also contains many other borrowings from the writings of Bernard of Clairvaux and the *De spiritu et anima* of Pseudo-Augustine, some of which overlap with the *Meditationes*. I have cited only the most clear cases of borrowing from the *Meditationes*.

³⁹ Marvin L. Colker, ed., *Galeri de Castellione Alexandreis* (Padua, 1978). Translations in R. Telfryn Pritchard, *Walter of Châtillon: The Alexandreis*, Mediaeval Sources in Translation 29 (Toronto, 1986); and David Townsend, *The “Alexandreis” of Walter of Châtillon: A Twelfth-Century Epic* (Philadelphia, 1996), with discussion of the date and reception of the text. See also John W. Baldwin, *The Government of Philip Augustus: Foundations of French Royal Power in the Middle Ages* (Berkeley, 1986), 363–67.

⁴⁰ Vincent of Beauvais, *De morali principis institutione*, ed. Schneider, 169; *De eruditione filiorum nobilium*, ed. Steiner, xxi, 236. Vincent often cited authors through collections of excerpts, or *florilegia*. This may be the case with Walter, who found a place in the *Florilegium*

Speculum anime were also used by Vincent when writing for the royal family; in this case a rather unexpected choice, but one that comes from Vincent's usual supply of source texts. Of course, neither the *Meditationes* of Ps.-Bernard nor Walter of Châtillon's *Alexandreis* were obscure works; to the contrary, they were both widely read, copied, and commented upon in the thirteenth century.⁴¹ Nevertheless, finding them in combination with each other in both Vincent's established writings and the *Speculum anime* is suggestive.⁴²

A number of objections, however, can certainly be raised. Perhaps most serious is the fact that Vincent habitually provided explicit citations for his sources, as the quotations above from the *Liber consolatorius* indicate, whereas the *Speculum* always borrows silently.⁴³ Moreover, no known list of Vincent's works mentions a *Speculum anime*.⁴⁴ Nor is there much direct evidence for a close relationship between Vincent and Blanche. These are serious reasons to be very cautious, but they need not keep up from considering at least the possibility of Vincent's authorship. Concerning Blanche's relationship to Vincent, she could have known him fairly well since the royal family was often at Royaumont.⁴⁵ One of Blanche's sons, Philip-Dagobert, was buried there in 1235. Three of Marguerite and Louis's children were also laid to rest at Royaumont, and when the second of these, John, was interred in March 1248, both Vincent and Blanche would surely have been in attendance.⁴⁶ On occasions such as this the two would have had ample opportunity to develop ties. Moreover, it is possible that Vincent studied with William of Auvergne in the 1220s; he certainly regarded him as a patron of sorts by 1245.⁴⁷ Perhaps

gallicum; see Townsend, "Alexandreis," xvi. Walter was also cited in the *Speculum naturale* and *Speculum doctrinale*. See the sources compiled by the Atelier *Vincent de Beauvais* at <http://www.univ-nancy2.fr/MOYENAGE/VincentdeBeauvais/SourcesSM.pdf>.

⁴¹ On the popularity of the *Alexandreis*, see Colker, *Galteri de Castellione Alexandreis*, xix–xx. On the *Meditationes*, see the bibliography below.

⁴² For example, the passages common to the *Liber consolatorius* and the *Speculum anime* do not show up elsewhere in an electronic search of *Cetedoc Library of Christian Latin Texts*, *CLCLT-5*, ed. Paul Tombeur (Turnhout, 2002). Similarly, the verses from Walter of Châtillon's *Alexandreis* quoted in the *Speculum anime* do not appear in an electronic search of this database.

⁴³ On the evolution of Vincent's compositional methods, see Robert J. Schneider, "Vincent of Beauvais, Dominican Author: From *compilatio* to *tractatus*," in *Lector et compilator: Vincent de Beauvais, frère prêcheur, un intellectuel et son milieu au XIII^e siècle*, ed. Serge Lusignan and Monique Paulmier-Foucart, with Marie-Christine Duchenne (Grâne, 1997), 97–111.

⁴⁴ See Gregory G. Guzman, "The Testimony of Medieval Dominicans concerning Vincent of Beauvais," in *Lector et compilator*, ed. Lusignan and Paulmier-Foucart, 303–26.

⁴⁵ See the evidence on Louis's association with Royaumont assembled in Dimier, *Saint Louis et Cîteaux*, 53–81.

⁴⁶ Ibid., 76–81.

⁴⁷ See Monique Paulmier-Foucart, "Les protecteurs séculiers de Vincent de Beauvais," in

William, if he did not write the *Speculum* himself, provided a link between Blanche and Vincent.

In sum, while the evidence does not allow a positive identification of our author, I am persuaded that the *Speculum anime* was composed by someone who occupied a position much like that of William of Auvergne or Vincent of Beauvais—a spiritual adviser in the circle around Blanche of Castile and the Capetian court in the second quarter of the thirteenth century.

INTENTIONS

What did our author, whoever he was, hope to achieve by composing this text for Blanche? One way of getting at this question is to situate the title and opening words within their wider contexts. The title *Speculum anime* is associated with the earliest Latin copy of the work, just as the earliest French translation is labeled *Miroir de l'âme*. It seems certain, therefore, that the author himself chose this designation for the text. He was in good company. Literary “mirrors” proliferated in the high and later Middle Ages—mirrors of princes, of the world, of virgins, of the church, of love, of ladies, of fools, and many more. Einar Már Jónsson lists twenty-two mirror-titles dating from 1100 to 1250,⁴⁸ and Herbert Grabes counts 385 by 1500.⁴⁹ In general, the title “Mirror” implied that the text could act as a reflection that would allow the reader to know himself or herself. But mirrors could also offer an indirect, metaphorical reflection of a higher, spiritual reality.⁵⁰ St. Paul’s famous formulation (1 Cor 13:12) exemplifies this idea—*Videmus nunc per speculum aenigmate, tunc autem facie ad faciem* (“Now we see darkly through a mirror,

Lector et compilator, 215–31, esp. 216–22. When Vincent presented an early copy of his *Speculum maius* to Louis IX in 1245, he asked to have it submitted only to authorities able to discern its true merits—William was specifically mentioned.

⁴⁸ Jónsson, “Le sense du titre *Speculum* aux XII^e et XIII^e siècles et son utilisation par Vincent de Beauvais,” 25–26.

⁴⁹ Herbert Grabes, *The Mutable Glass: Mirror-Imagery in Titles and Texts of the Middle Ages and English Renaissance*, trans. Gordon Collier (Cambridge, 1982), with an extensive (though not exhaustive) appendix listing medieval mirror titles.

⁵⁰ These ideas are explored in Jónsson, “Le sense du titre *Speculum* aux XII^e et XIII^e siècles et son utilisation par Vincent de Beauvais,” 12–21, and more fully in idem, *Le miroir: Naissance d'un genre littéraire* (Paris, 1995). See also Sabine Melchior-Bonnet, *The Mirror: A History*, trans. Katherine H. Jewett (New York, 2002), 108–12; Margo Schmidt, “Miroir,” in *Dictionnaire de spiritualité*, vol. 10 (Paris, 1980), cols. 1290–1303; and Ritamary Bradley, “Backgrounds of the Title *Speculum* in Medieval Literature,” *Speculum* 29 (1954): 100–15. On literary mirrors specifically for women, see June Hall McCash’s remarks in “The Cultural Patronage of Medieval Women: An Overview,” in *The Cultural Patronage of Medieval Women*, ed. McCash (Athens, Ga., 1996), 1–49, at 28–31.

but then [we will see God] face to face"). The mirror represents the ability to perceive God, however dimly, from our position as humans made in his image. Indeed, these two ideas were linked in the phrase *Speculum anime*, which plays on the Augustinian and neo-Platonic idea of looking within in order to find God. The text is a mirror that reflects an image of the soul; but the soul is also a mirror that reflects an image of God. Presumably both author and reader would have appreciated the resonance of this double meaning.⁵¹

Given the appealing symbolism of this title, it is not surprising that a number of different "Mirrors of the Soul" were written. An unrelated *Speculum anime* was falsely attributed to Bonaventure, and Henry of Langenstein (†1397) apparently wrote an identically named work.⁵² Various vernacular *Miroirs de l'âme* circulated as well, notably a later work by Jean Gerson,⁵³ and at least one Spanish "Mirror of the Soul" existed.⁵⁴ Furthermore, the moniker was occasionally attached to existing texts with similar sounding names. We have seen that John Pecham's *Tractatus de anima* sometimes passed under this title,⁵⁵ and indeed the *Meditationes*, upon which our *Speculum* drew so heavily, were labeled *Speculum anime sancti Bernardi* in at least one manuscript.⁵⁶

The opening words of our "Mirror" were also variations on a popular theme. Ps 44:11 reads *Audi, filia, et vide, et inclina aurem tuam* ("Listen, daughter, and see, and bend your ear"). Beginning with Jerome's letters to Eustochium and Principia, many authors found this a convenient passage with which to claim readers' attention when their intended audience was female. The outstanding example is a more famous "Mirror," the twelfth-century *Speculum virginum*, which in its first version commenced with the psalm pas-

⁵¹ The idea of the soul as mirror was not limited to elite theologians. The sixth-century Frankish queen Radegund, for instance, was reported by her contemporary biographer Baudonivia to have remarked to her fellow nuns at mealtimes readings, "If you do not understand what is read, why don't you search for it diligently in the mirror of your souls?" (*Sainted Women of the Dark Ages*, ed. and trans. Jo Ann McNamara and John E. Halborg, with E. Gordon Whatley [Durham, 1992], 92).

⁵² Bonaventure, *Opera omnia*, ed. PP. Collegii S. Bonaventurae, vol. 8 (Quaracchi, 1898), 8:623–45 (incipit "Arbor mala fructus"). For Langenstein, see Schmitt, "Miroir," col. 1295.

⁵³ See Jean Gerson, *Oeuvres complètes*, ed. Palémon Glorieux, vol. 7.1 (Paris, 1966), 193–206. On other works with this title, see also Delisle, "Durand de Champagne" (n. 1 above).

⁵⁴ Melani, *Tractatus de anima Ioannis Pecham*, xxiv.

⁵⁵ Though whether this was a frequent mistake of medieval scribes or only modern commentators is unclear. See Melani, *Tractatus de anima Ioannis Pecham*, xxvi.

⁵⁶ See R. Bultot, "Les 'Meditationes' pseudo-Bernardines sur la connaissance de la condition humaine," *Sacris erudiri* 15 (1964): 256–92, at 284, referring to Saint-Omer, Bibliothèque municipale 297. The title apparently has not lost its appeal; chapter one of Mark Pendergrast's popular *Mirror Mirror: A History of the Human Love Affair with Reflection* (New York, 2003), is entitled "The Mirror of the Soul."

sage.⁵⁷ To give only one more illustration, Baudry of Dol began his life of Robert of Arbrissel (ca. 1118) in this way, since he was writing to Petronilla, abbess of Fontevraud.⁵⁸ The rest of Ps 44:11–12, which would have been familiar to any devout medieval person, urges the listener to “forget your people and the house of your father,” and promises that “the King will desire your beauty.” This opening, therefore, calls upon a female listener or reader to be attentive, to turn away from the world and family, and to contemplate and embrace God.⁵⁹

In sum, our author planned a treatise that would stress the importance of keeping the mind firmly fixed on the joys of heaven. To that end, the pains of hell needed to be highlighted as a threat, but the specifics of interior spirituality were largely glossed over. This is not a work of subtle theology or daring spirituality, but simply an exhortation to turn one’s thoughts from this world to the next.

WRITING PROCESS

The *Speculum anime* will never be known as one of history’s most original works. In fact, eighteen of the thirty-one paragraphs that make up my edition come directly from the popular late-twelfth-century *Meditationes piissimae de*

⁵⁷ See the comments of Constant J. Mews in his introduction to *Listen Daughter: The Speculum Virginum and the Formation of Religious Women in the Middle Ages* (New York, 2001), and especially Morgan Powell, “The *Speculum virginum* and the Audio-Visual Poetics of Women’s Religious Instruction,” in *ibid.*, 111–35 (reference to Jerome’s letters at 119 n. 38). For the text, see *Speculum virginum*, ed. Jutta Seyfarth, CCCM 5 (Turnhout, 1990). Barbara Newman first pointed out to me the similar openings of these two *specula*. It should be noted that similar biblical passages, such as Prov 1:8, 4:10, and 23:19, all invoking the phrase “audi fili mi” were available when a male audience was assumed, and the Benedictine Rule itself began with the similar “Obsculta, o fili, praecepta magistri, et inclina aurem cordis tui.”

⁵⁸ Bruce L. Venarde, trans., *Robert of Arbrissel: A Medieval Religious Life* (Washington, D.C., 2003), 6–7. See also an anonymous late-thirteenth-century sermon for St. Clare of Assisi that takes this passage as its theme, noted in Nicole Bériou, “Sermons sur sainte Claire dans l’espace français (c. 1250–c. 1350),” in *Sainte Claire d’Assise et sa postérité*, ed. Geneviève Brunel-Lorbrichon et al. (Nantes, 1995), 119–54, at 143; and, for visual evidence, Jeffrey F. Hamburger, *The Visual and the Visionary: Art and Female Spirituality in Late Medieval Germany* (New York, 1998), 19–21.

⁵⁹ See the analysis of this phrase in Powell, “Translating Scripture for *Ma Dame de Champagne*: The Old French ‘Paraphrase’ of Psalm 44 (*Eructavit*),” in *The Vernacular Spirit: Essays on Medieval Religious Literature*, ed. Renate Blumenfeld-Kosinski, Duncan Robertson, and Nancy Bradley Warren (New York, 2002), 83–103, at 88–91, as well as the comments by Pamela Sheingorn in “The Wise Mother: The Image of St. Anne Teaching the Virgin Mary,” in *Gendering the Master Narrative: Women and Power in the Middle Ages*, Mary C. Erler and Maryanne Kowaleski (Ithaca and London, 2003), 105–34, at 112.

cognitione humanae conditionis that generally circulated under the name of Bernard of Clairvaux.⁶⁰ At least five more paragraphs draw on the same text to some degree. This single source accounts for approximately two-thirds of the work.⁶¹

Why, then, did our author not just present Blanche with a copy of the *Meditationes*? The answer must be that he sought to make something different out of this raw material, or that some parts of the *Meditationes*, written for a monastic and apparently male audience, did not strike him as suitable for a queen of France. There is an element of creative repackaging here, since our author picked passages to suit his points, rearranged and sometimes recast them, and then interspersed both original prose and quotations or paraphrases from other sources to build up the entire treatise. His transparent “plagiarism” is actually another window onto his intentions, since we can trace the way his selections, rejections, and rearrangements of his model text show what he believed to be important and appropriate for a royal, lay, female readership.

A word is first necessary about the *Meditationes*.⁶² This work was itself partly a composite of earlier sources, Bernard of Clairvaux’s authentic writings among them. Though scholars now agree that Bernard was not in fact the author, it was one of “his” most popular works in the Middle Ages, surviving in hundreds of manuscripts. There is no consensus on the authorship of the work. It was certainly written by a monk (or at least someone adopting the voice of a monk) and is in the form of advice given to another monk. Such men as Hugh of St. Victor (†1141), William of St. Thierry (†1148), Aelred of Rievaulx (†1166), and Peter Comester (†ca. 1178) have all been suggested as

⁶⁰ The only existing edition is PL 185:485–508. On this text and its possible authors, see Ermenegildo Bertola, “Di alcuni trattati psicologici attribuiti ad Ugo da S. Vittore,” *Rivista di filosofia neoscolastica* 51 (1959): 436–55, at 443–44; R. Bultot, “Les ‘Meditationes’ pseudo-Bernardines sur la connaissance de la condition humaine” (cited in n. 56 above); idem, “Encore les ‘Meditationes’ pseudo-Bernardines,” *Sacris erudiri* 16 (1965): 425–27; Anna Maiorino Tuoza, *La ‘Conoscenza di sé’ nelle scuole Cisterciense* (Naples, 1976), 126–49; and David Luscombe, “Peter Comester,” in *The Bible in the Medieval World: Essays in Memory of Beryl Smalley*, ed. Katherine Walsh and Diana Wood, Studies in Church History Subsidia 4 (Oxford, 1985), 109–29, at 125–26.

⁶¹ Warner and Gilson, *Catalogue of Western Manuscripts in the Old Royal and King’s Collections* 2:195, describing the fifteenth-century copy of the French *Miroir de l’âme* found in London, British Library Royal 16.E.v, pointed out that “parts of the work are taken from the *Meditations* commonly ascribed to S. Bernard or Hugo de S. Victore.” Rouse and Rouse, *Manuscripts and Their Makers* (cited in n. 4 above) took note of this fact. The full extent of the borrowings from the *Meditationes*, however, has not previously been shown.

⁶² In the following discussion the notation “*Speculum 1*” refers to paragraph numbers from my edition of the *Speculum anime*, while “*Meditationes 1.1*” refers to chapter and paragraph numbers in the PL edition of the *Meditationes piissimae de cognitione humanae conditionis*.

possible authors. But if, as Jean Leclercq asserted and others have echoed,⁶³ the text was composed a generation or two after Bernard († 1153), then most of these candidates can be excluded. Leclercq and Anna Maiorino Tuozzi also seem correct to place the work in a Cistercian context and emphasize its Cistercian themes.⁶⁴ It seems safest, therefore, to attribute the *Meditationes* to a Cistercian—or a monastic author influenced by Cistercian teachings—writing in the period roughly between about 1170 and 1190.

Because the *Speculum anime* is so derivative, we can lay out its use of sources while giving a brief summary of its contents. After the short introductory paragraph, it turns to the opening passage of the *Meditationes*, a brief exhortation to turn away from the world and look within in order to know yourself and therefore to know God (*Speculum* 1–2). It then moves to descriptions of the joys of heaven—the reward for a life focused on spiritual, rather than secular, concerns (*Speculum* 3–7). This section draws on chapters 1 and 4 of the *Meditationes*, but includes material from Augustine and others as well. The author next stresses how readily we should wish to sacrifice and labor to achieve heavenly rewards (*Speculum* 8–10), here again drawing heavily on Augustine. The text then examines the other side of the coin, focusing on the pains of hell that await those who are seduced by the vanities of this world (*Speculum* 11–18). Most of this material comes from chap. 3 of the *Meditationes*. It is here that the author also employs two passages from Walter of Châtillon's *Alexandreis*, an epic poem in hexameters composed around 1180. The text then shifts slightly to invoke the inevitability of judgment and the fear that all souls must feel when called before the ultimate Judge (*Speculum* 19–21), with text almost entirely adapted from *Meditationes*, chap. 2. The remaining paragraphs, in various ways, reinforce the general message that by living a life focused on God, one can avoid hell and the fear of judgment and end up instead in the glories of heaven. *Speculum* 22 emphasizes the untrustworthy flightiness of the human heart, based on *Meditationes*, chap. 9. *Speculum* 23–24 recycle material from chap. 6 of the *Meditationes* to underline the necessity of always keeping God uppermost in one's mind. *Speculum* 24–27 remind the reader how noble the soul is, compared to the body's disgusting origins, functions, and ultimate end as food for worms, returning to *Meditationes*, chap. 3 to extract lengthy quotations. *Speculum* 28–29 emphasize the fickleness of the world—you may be a king one day and find yourself a pauper the next. *Speculum* 30 returns to a reminder of the joys of heaven, taken from *Meditationes*, chap. 14. Finally, the *Speculum* and *Meditationes*

⁶³ J. Leclercq, *Études sur saint Bernard et le texte de ses écrits* (Rome, 1953), 37; echoed by Tuozzi, *La 'Conoscenze di sé'*, 127–29.

⁶⁴ Ibid.

end with the same closing lines that once again remind the reader to look to God for ultimate happiness.

Though the *Speculum* is sprinkled throughout with original prose, it should be obvious from this summary just how heavily it depends on the *Meditationes*. But the author did put significant thought into his restructuring. Chapters from the *Meditationes* are used in the order 1, 4, 3, 2, 9, 6, 3, 14, 15. Evidently our author was able to pick through the text to find the passages he thought would best make *his* points, and was not limited to just winnowing away sections he found superfluous. Moreover, within each chapter some material is employed while some is omitted, and the internal subdivisions within chapters are sometimes rearranged. Our author was not so much slavishly following the *Meditationes* as using it as raw material for his own ends.

It is perhaps even more illuminating to examine the process from the perspective of the *Meditationes*. If we imagine our author reading through this text from beginning to end, what did he use, what did he leave out, and how did he change the passages he employed?

First, there is a clear desire to avoid anything resembling tricky theological explanations. Specifically, almost every mention of the Trinity is omitted. For example, *Meditationes* 1.1–3 begins with the idea “Know thyself,” for “many people know many things but not themselves.” Silently drawing on Augustine (*Enarrationes in Psalms* 145.5), the *Meditationes* urge the reader “to return from exterior things to interior, and from interior to superior.” The more we look within, the more we advance in the knowledge of God. Ps.-Bernard elaborates: the interior person is made up of memory, understanding, and will (*memoria, intelligentia, and voluntas sive amor*), an image of the Trinity, which help to recall, perceive, and desire God. And since we are made in his image, understanding our interior selves will lead us to him. The rewards for this are immeasurable, for to know God is “eternal life, perfect happiness, the highest delight,” since “no eye has seen, nor ear heard, nor heart of man experienced, such clarity, such sweetness, and such pleasantness, as shall remain in us in that vision, when we will see God face to face.”⁶⁵

The *Speculum anime* begins with the same passages about knowing ourselves in order to know God, but then jumps immediately to the idea that knowing God is the greatest of pleasures. The intervening explanation about how the mind works its way back to God drops out. The underlying message is preserved, but the explanation of how the human mind actually accom-

⁶⁵ “Patrem namque et Filium cum sancto Spiritu cognoscere, vita est aeterna, beatitudo perfecta, summa voluptas. Oculus non vidit, nec auris audivit, nec in cor hominis ascendit, quanta claritas, quanta suavitatis, et quanta jucunditas maneat nos in illa visione, quando Deum facie ad faciem videbimus” (PL 185:487).

plishes the process, and the point about its likeness to the Trinity, are omitted. Later, along the same lines, when *Meditationes* 4.11–12 are used in *Speculum* 5–7 to describe the rewards of heaven, the only section of *Meditationes* 4.12 that is omitted deals with the vision of the Trinity that will be granted to the saved. Again, almost all of *Meditationes* 6.19 is used in *Speculum* 23–24 to remind the reader to keep her mind always on God. But a two-sentence reference to the Trinity is dropped from the middle of the paragraph. These very specific omissions—examples where a sentence or two are left out of otherwise complete borrowings—show a concerted desire to avoid using the Trinity as an explanatory mechanism for the working of the mind, or even a metaphor for good behavior. Apparently our author did not wish to complicate his admonitions with even uncontroversial theological explanations.

The second chapter of the *Meditationes* shifts to descriptions of the sordid nature of the body and the threat of eternal punishment. The *Speculum* author, however, decided to treat the rewards of heaven before the pains of hell, perhaps indicating that for a lay person, the carrot should precede the stick. Thus material from chap. 2 of the *Meditationes* is not used until *Speculum* 19–21. Practically all of *Meditationes* 2.4–6 are employed here, though with alterations and re-ordering of passages. One short omission from the middle of *Meditationes* 2.4 is suggestive; the *Speculum anime*, though it often revels in imagery of grossness of the body, here omits some of the more graphically sexual images about disgusting bodies. For example, the sentence “Fui enim in momento conceptionis de humano semine conceptus; deinde spuma illa coagulata modicum crescendo caro facta est” is pointedly left out. This trend can further be seen as our author proceeds through chap. 3; the majority of *Meditationes* 3.7–9 is used in *Speculum* 25–27. But a quotation in *Meditationes* 3.7 from Is 64:6 referring to “pannus menstruate” is dropped, and the *Speculum* author omitted from *Meditationes* 3.8 phrases such as “postea de vili materia factus, et vilissimo panno involutus, menstruali sanguine in utero materno fuisti nutritus,” and “fuisti vile semen, et sanguis coagulatus in utero.” Evidently our author thought that the grossness of the human body could be sufficiently emphasized without specific references to semen and menstrual blood. Monks, presumably, could handle this sort of language, while a wife and mother who had given birth a dozen times needed to be spared such language!

Furthermore, in *Meditationes* 3.9 an exhortation to “shed your blood” each day for Christ just as he bled for humanity is pointedly deleted. References to self-flagellation were not what the author wanted to stress for a royal laywoman. The rest of *Meditationes* 3.9 and 3.10 are used in *Speculum* 12–15

with little alteration, and chap. 4 of the *Meditationes* is worked into *Speculum* 5–7 as mentioned above.

Paragraphs 13 through 17, covering the last section of chap. 4 and most of chap. 6 of the *Meditationes*, are not used at all by the *Speculum*. For such large omissions, it is impossible to identify a single reason. Simple considerations of space or a desire to avoid repetition may account for it (the shorter *Speculum* has noticeably less repetition than the rather rambling *Meditationes*). But in part the shift from a monastic audience to a lay readership may have made some passages superfluous, such as a reference to loving the “world more than cloister” in *Meditationes* 4.13, or 5.15 which focuses largely on monastic friendship. Similarly, a later call to be a good monk in *Meditationes* 7.20 is omitted as obviously not matching the tone and purpose of the new work.

A few passages from *Meditationes* 6.18 and then most of 6.19 are used in *Speculum* 23 (again see reference above on omitting mention of the Trinity). *Meditationes* 7.20–8.22 is then passed over completely. Here the motivation seems to be discomfort with rhetoric dwelling on the author’s spiritual failings. The *Meditationes* sometimes adopts a stance of self-accusation and extreme humility, for instance earlier in 6.16: “Not that I say I do these [good] things, but that I want to do them, and repent that I have not done, and am disgusted by not doing [them]” (“Non quod ego ista faciam dico, sed quod facere vellem, et non fecisse poenitet, et non facere piget,” col. 495). This passage does not find its way into the *Speculum*, and similar admissions of spiritual failure in *Meditationes* 7.21 and 8.22 are left out. The result is a work that is more consistently high-handed and admonitory than its source. Parts of *Meditationes* 9.23–24 are then used in *Speculum* 22, on the vagaries of the human heart. But here again the humble emphasis on “my” heart’s failings in the *Meditationes* is changed to a more impersonal lament on the human heart’s treacherous nature. This is part of a more general, if subtle shift; in many places a move from first person to second alters the tone from ruminating for a fellow monk to admonishing a lay woman.

Meditationes 9.25–13.35 is also omitted entirely. Again much of this material is laced through with the rhetoric of self-accusation, mulling over sins not confessed, self-deceptions practiced, lukewarm faith, and lack of proper contrition. This would all fit well with the *Speculum*’s call to look within and “know thyself,” but the self-accusing rhetorical direction did not at all match the authorial tone of the *Speculum*, and so this material was passed over. Finally, parts of *Meditationes* 14.36–37 are used in *Speculum* 30 to recall the joys of heaven, and the *Speculum* ends with the final chapter of the *Meditationes*, 15.40, though the rest of the chapter is omitted from the *Speculum*.

To summarize the changes that characterized our author's reworking of the *Meditationes* into the *Speculum*: Intellectual explanations, especially those dealing with the Trinity, are avoided; rewards are dangled before punishments are threatened; some of the more explicit descriptions of the body concerning reproduction are omitted; a mention of bloody asceticism is expunged; explicitly monastic references drop out; the more personal expressions of love and affection are omitted,⁶⁶ but so is anything smacking of authorial self-accusation. In general, the rather verbose stream of advice from one monk to another found in the *Meditationes* is transformed into a less personal, but more crisp admonition to weigh the rewards of heaven against the pains of hell.

CONCLUSION

A good deal of work remains to be done before this text's translation, diffusion, messages, and influence are fully illuminated. Here I have focused on the preliminary questions of date, authorship, composition process, and authorial intention. The work was originally composed in Latin, most likely by a royal advisor such as William of Auvergne or Vincent of Beauvais writing with Blanche of Castile in mind. The author crafted this "mirror" in order to urge the queen to turn her attention from this world to the next. To this end, he drew on the earlier *Meditationes* to provide glittering images of the wonders of heaven, gruesome depictions of hell, and the disgusting nature of the human body's origins, functions, and ultimate end.

But even these preliminary investigations reveal the *Speculum anime* to be an early and important chapter in the articulation of royal piety at the Capetian court, part of the interplay between the circle of churchmen who acted as advisors and the royal family that wielded political power. As such it needs to be studied along with the better known examples of cultural production associated with Blanche, such as the gorgeous psalters and *Bibles moralisées* she once owned. Just as scholars have begun to analyze these sumptuous illuminated manuscripts for their images of rulership and gendered authority,⁶⁷ so

⁶⁶ Bultot, however, points out that some of the more intimate sounding confessions in the *Meditationes* are actually borrowings from even earlier texts, and hence not reliable evidence for the author's personal stance; see "Les 'Meditationes' pseudo-Bernardines sur la connaissance de la condition humaine," 285–87. Nevertheless, the tone is at least one of self-reproach mingled with spiritual friendship, and thus rather different from our *Speculum*.

⁶⁷ See, for example, Kathleen S. Schowalter, "Capetian Women and Their Books: Art, Ideology, and Dynastic Continuity in Medieval France" (Ph.D. diss., The Johns Hopkins University, 2005), 81–142; Tracy Chapman Hamilton, "Queenship and Kinship in the French Bible Moralisée"; and Elizabeth S. Hudson, "The Psalter of Blanche of Castile" (the latter two are

this text takes us to the intersection of Blanche's piety and power. For to urge a woman at the center of government, a true *domina* such as Blanche, to pay less attention to secular concerns had political as well as spiritual implications. The dialogue between admonitory author and imagined but ever-present recipient pushed the reader to question her desire to influence the world around her. The stark, black and white divide here between worldly sin and heavenly salvation may have appealed to the queen's deep piety, or helped to crystallize it. But it must also have engendered a certain amount of uneasiness, for Blanche in fact remained close to the center of political power up to the last days of her life. Indeed, one might wonder whether Blanche would have found this text more inspiring or exasperating. Mirrors, even when they do not deceive, are not always great sources of comfort.

DESCRIPTION OF THE MANUSCRIPTS

1) Paris, Bibliothèque nationale de France lat. 14878, fols. 148rb–154ra = *P*

Since this manuscript has previously been catalogued only in a cursory fashion,⁶⁸ a more detailed description is provided here. *P* is a fourteenth-century manuscript, ii + 193 folios, parchment, written in two columns with marginal but no line rulings, later bound in green leather (spine: "S. Bernard"). It contains no illuminations and little ornamentation, except for a simply drawn, rather petulant looking winged dog or dragon that inhabits the initial "C" on fol. 1r.

Its original provenance is uncertain. There is no doubt that the book was in the possession of St. Victor in Paris at its dissolution during the Revolution. Both the outside and inside of the cover proclaim "ex. Bibliothe. Sancti Victoris Paris," and fol. 1r bears a crudely drawn crest of "St. V." It does not, however, seem to have originated there, since it was not included in Claude de Grandrue's 1514 catalogue of the abbey's library. Fol. 1r does bear several catalogue numbers that yield information when compared with the inventories recently compiled by Gilbert Ouy. In the top left corner appears to be a crossed-out number 461—almost certainly the catalogue number given by Vyon de Hérouval in 1690; next to it is a clear, underlined 831, dating from a cataloguing in the mid-eighteenth century.⁶⁹ A designation in the upper right-

cited above). On the *Bibles moralisées*, see further John Lowden, *The Making of the Bibles Moralisées*, 2 vols. (University Park, Pa., 2000).

⁶⁸ See n. 5 above.

⁶⁹ Gilbert Ouy, *Les manuscrits de l'abbaye de Saint-Victor: Catalogue établi sur la base du répertoire de Claude de Grandrue (1514)*, vol. 1 (Turnhout, 1999), 68–69.

hand corner is partly effaced but began with an uppercase *E* (perhaps “E. g. 37”). This probably represents the cataloguing of Eustache de Blémur around 1660.⁷⁰ The conclusion would seem to be that the manuscript was acquired by St. Victor sometime between 1514 and about 1660.⁷¹ A northern French origin seems probable.

Fols. 1–148 contain a copy of William of St. Martin of Tournai’s mid-thirteenth-century *Bernardinum* (or, as it is titled here, *Flores Bernardi nobiliores*), incipit “Cum non essem alicui exercicio magnopere occupatus.”⁷² Following the ten main chapters of the work are the additional chapters on the Virgin Mary (fol. 129ra) and authors cited by Bernard (fol. 132ra), as well as (fol. 133rb) an alphabetical index of topics and (fol. 142va) a table of *distinctiones*. The *Speculum anime* follows on fols. 148rb–154ra, in the same hand. These folios have no rubrics and do not use red ink for highlighting or paragraph markers, differing from the earlier folios containing the *Bernardinum* in this respect. Fol 154r has “Explicit speculum anime. Incipiant capitula qui remissa fuerunt in principio istius libri,” and this is followed on fols. 154–193 by additional texts, supposedly from Bernard, in several different hands (fol. 193 is not numbered).

2) Grenoble, Bibliothèque municipale 271, fols. 28v–36v = G

G is a fifteenth-century manuscript, paper, 178 folios, copied at the Grand Charterhouse near Grenoble. It is adequately catalogued in P. Fournier, E. Maignien and A. Prudhomme, *Catalogue général des manuscrits des bibliothèques publiques de France: Départements*, vol. 7 (Paris, 1889), 105–6. The text is in one column throughout, with no visible rulings and no illuminations. No title or rubric is given for the *Speculum anime*. It ends two-thirds of the way down fol. 36v without an “explicit” indication, and another brief excerpt, not listed in the catalogue (incipit “o iugum sancti amoris quam dilectus . . .”)

⁷⁰ Ibid., 67–68.

⁷¹ Ouy notes that Grandrue’s cote NNN 15 was a “Flores bernardi,” now apparently lost. It does not seem that this could be our manuscript, because Bibliothèque nationale de France lat. 14878 does not anywhere bear the shelf number NNN 15. Moreover, Ouy’s concordances make it clear that Hérouval’s manuscript 461 and the eighteenth-century manuscript 831 were not part of Grandrue’s catalogue.

⁷² See Matthäus Bernards, “Zur Verbreitung der Bernhardflorilegien: Das *Bernardinum* des Benediktiners Wilhelm von St. Martin in Tournai,” *Studien und Mitteilungen zur Geschichte des Benediktinerordens und seiner Zweige* 64 (1952): 234–41; idem, “Zur Überlieferung der Bernhardschriften. Beobachtungen an einem Bernhardflorilegium,” *Citeaux in de Nederlanden* 5 (1954): 153–72 (Bibliothèque nationale de France lat. 14878 is listed p. 156 but without full information); and idem, “Flores Sancti Bernardi,” in *Bernhard von Clairvaux: Mönch und Mystiker*, ed. Joseph Lortz (Wiesbaden, 1955), 192–201.

runs onto fol. 37r. Fols. 38v–39v are blank, and a new hand commences at that point. The rest of the manuscript contains at least two additional hands.

3) Naples, Biblioteca Nazionale VII.G.15, fols. 241ra–244va = *N*

N is a late fifteenth-century manuscript, paper, 368 folios, originating from the Observant Franciscan monastery of S. Bernardino di Campli (Teramo). At least the first 182 folios can be dated to 1483. The text is in two columns. Its contents are fully described in Cesare Cenci, O.F.M., *Manoscritti francescani della Biblioteca Nazionale di Napoli*, vol. 2 (Grottaferrata, 1971), 575–79. Fol. 241ra has the heading “*Incipit Speculum anime.*” A space was left for the initial letter of “*Audi domina,*” which was never illuminated. The text ends at the bottom of fol. 244va without an “*explicit*” indication. The hand here may be identical to that dated to 1483, or at least seems to be contemporary with it.⁷³

PRINCIPLES OF THE EDITION

P is employed as the base manuscript. I follow its orthography, except that I have standardized *u/v* in accordance with modern usage. I have also modernized punctuation, introduced paragraphs breaks, and added paragraph numbers within brackets. I indicate scribal corrections only to the base manuscript. The other two known manuscripts of the work, *G* and *N*, have been collated against *P*. I have adopted readings from *G* or *N* when they are clearly superior to those found in *P*; in these cases rejected readings from *P* are noted. Simple inversions of word order and differences in spelling that do not affect meaning are not noted in any case.

Boldface type in the body of the text indicates passages taken directly from the *Meditationes piissimae de cognitione humanae conditionis* of Ps.-Bernard of Clairvaux, printed in PL 185:485–508. These passages often contain minor

⁷³ It is possible that Oxford, Bodleian Library Digby 172 once contained a copy of our text (as suggested by Warner and Gilson, *Catalogue of Western Manuscripts in the Old Royal and King's Collections* 2:195). A fourteenth-century section of this manuscript contains a copy of Robert Grosseteste's *Tractatus de potentis animae*, and then Giles of Columna's *Tractatus de principiis naturae*. A table of contents then indicates that twelve similar tracts once followed, including a “*Speculum anime.*” Five of the first six of these were by John Pecham. It is therefore possible that this is an early example of our *Speculum anime* being attributed to him. On balance, however, it seems more probable that this was actually a mislabeling of his authentic *Tractatus de anima*, which would be more likely to be found alongside the works of Grosseteste and Giles. See R. W. Hunt and A. G. Watson, *Bodleian Library Quarto Catalogues*, vol. 9, *Digby Manuscripts* (Oxford, 1999), 179.

changes or omissions from the text of the *Meditationes* (for instance changing third person passages to second), but they approach word-for-word borrowings and are not merely paraphrases. Because the borrowings from this tract are so pervasive, I have separated indications of the reliance on the *Meditationes* from the rest of the *apparatus fontium* by using bracketed references at the end of each borrowed passage [*Med.*, followed by the chapter, paragraph, and column numbers in PL 185].

Concerning the *apparatus fontium* proper, when the *Speculum anime* is drawn directly from the *Meditationes*, I have not attempted to identify the sources used by the *Meditationes* author, except for biblical quotations and verse passages. Certainly the *Meditationes* itself is heavily derivative, incorporating material from Cassiodorus's *De anima*, Augustine's *De civitate Dei*, Bernard's *Sermones varii*, and the *De spiritu et anima* of Ps.-Augustine, among other works.⁷⁴ But for the purposes of this edition, and in the absence of a critical edition of the *Meditationes*, identifying reliance on the latter work is sufficient. Where the *Speculum* author was not working directly from the *Meditationes*, however, I have attempted to identify the sources used and indicate them in the *apparatus fontium*.

The *Meditationes* contain a number of passages that are treated as hexameters in the PL edition. I have presented them as such in my edition only when one or more of the manuscripts of the *Speculum anime* includes the specific indication “versus.” This policy seems particularly valid because R. Bultot has demonstrated that manuscript copies of the *Meditationes* do not consistently treat these passages as verse.⁷⁵ I have noted, however, when the PL version of the *Meditationes* treats a passage as verse and my edition does not. Most of the verses in question appear to be relatively obscure. The verse beginning *est ibi pax* is identified in H. Walther, *Initia carminum ac versum medii aevi posterioris latinorum* (Göttingen, 1959), no. 5698, which indicates several other places where it appears. But in the case of the verse commencing *Iudicium faciet gestorum quisque suorum*, Walther no. 9920 merely refers to Paris, Bibliothèque Mazarine 870.⁷⁶ On the verse *Aspice, mortalis, pro te datur hostia talis*, see X. Barbier de Montault, *Oeuvres complètes*, vol. 12 (Poitiers, 1987), 333.⁷⁷

⁷⁴ Many borrowings are detailed in R. Bultot, “Les ‘Meditationes’ pseudo-Bernardines sur la connaissance de la condition humaine” (cited in n. 56 above).

⁷⁵ Ibid., 274–75.

⁷⁶ Bultot also noted the link, *ibid.*, 275. Both were relying on Delisle’s article in *Histoire littéraire de la France* (cited in n. 1 above).

⁷⁷ Again, Bultot noted that the verse was found in both the *Meditationes* and the *Miroir de l’âme*.

Incipit speculum anime.

[1] *Audi domina et vide et inclina aurem tuam et obliviscere temporalis regni fastigium, illius summe ac perfecte beatitudinis que sanctis fidelibus promittitur reminiscens.*

[2] In primis ergo *scito et animadverte* quod **multi multa sciunt et seipsos nesciunt; alias inspiciunt et seipsos deserunt; Deum querunt per ista exteriora, deserentes sua interiora, quibus interior est Deus.** Propter quod ab exterioribus redi ad interiora, et ab interioribus ad superiora ascende, ut possis agnoscere unde venisti in hunc mundum, et quo ibis relictus mundo, et quid agis in mundo, et quid es quantum ad mortalitatem quia caro, et unde es quantum ad conditoris dignitatem quia creatura Dei. Et ita per cognitionem tui poteris pervenire ad cognitionem Dei, et quanto in cognitionem tui proficies tanto ad cognitionem Dei accedes [Med. 1.1, 485A], quem cognoscere vita est eterna, beatitudo perfecta, summa voluptas.

[3] *Oculus non vidit, nec auris audivit, nec in cor hominis ascendit, quanta claritas, quanta suavitas et quanta iocunditas maneat nos in illa visione, quando Deum facie ad faciem videbimus, qui est lux illuminatorum, requies exercitatorum, patria | redeuncium, vita vivencium, corona vincencium* [Med. 1.3, 487A]. O quam felix erit anima que poterit videre Deum, creatorem suum, ipsum patrem luminis, solem iustitie, sapientie genitorem! Quam pulchra, quam pollens virtute, quam ardens caritate! Tunc vacabimus et videbimus, videbimus et amabimus, amabimus et laudabimus. Unum ibi negocium, nec laboriosum nec tediosum, laudare quem videoas. Una et plena felicitas, habere quem amas. Si ipsum habeas, tua erunt omnia; tua erunt superiora ad fruendum, tua erunt equalia ad convivendum, tua erunt inferiora ad dominandum.

148va

1 Incipit speculum anime *om. G* 5 scito et animadverte] cito animadverte *N* animadverte] advertere *P* 6 inspiciunt] despiciunt *G* 9 agnoscere] cognoscere *N* 10 in] hoc add. *G* 12–13 in cognitionem] in cognitione *N* 16 suavitatis] sanitas *P* 19 vincencium] moreuentum *N* 20 suum *om. N* 22 videbimus² *om. P* 24 plena] est add. *P* 25 convivendum] convivandum *G*

2 Cf. Ps 44:11.

5 Dan 9:25.

15 Cf. 1 Cor 2:9; Is 64:4.

17 1 Cor 13:12.

21–22 vacabimus . . . laudabimus: Augustine, *De civitate Dei* 22.30 (ed. B. Dombart and A. Kalb, CCL 48 [1955], 866.145).

30 [4] Ibi fulget lux que tenebras nescit; ibi sonat suavitas que non transit; ibi fragrat odor qui numquam dispergitur; ibi sapit cibus qui non minuitur; ibi heret amplexus qui non divellitur; ibi sacietas omnium bonorum numquam paritura fastidium; ibi nulla omnino sollicitudo proximorum quia nichil mali accidere poterit; ibi nulla adversitas turbat, nulla necessitas angustat, nulla molestia inquietat, sed perhennis leticia regnat; ibi non timor sollicitat, non labor affligit, non dolor excruciat, non fatigat temptacio; ibi vita nostra non habebit mortem, nec scientia errorem, nec amor offensionem.

35 [5] **Ibi habebis premium videre Deum, vivere cum Deo, vivere de Deo, esse cum Deo, esse in Deo qui erit omnia in omnibus, habebis Deum qui est summum bonum, summa felicitas, summa iocunditas, vera caritas, perfecta libertas, eterna securitas et secura eternitas; ibi eciam est vera letitia, plena scientia, omnis pulcritudo et omnis beatitudo.** Unde versus:

40 *est ibi pax, pietas, bonitas, lux, candor, honestas,
gaudia, letitie, dulcedo, vita perhennis,
gloria, laus, requies, amor et concordia dulcis.*

148vb

45 Sic cum Deo beata eris, si peccatum in te non fuerit inventum. Videbis Deum ad voluntatem et habebis ad voluptatem, frueris ad iocunditatem, in eternitate vigebis, in veritate fulgebis, in bonitate gaudebis, et sicut habebis permanendi eternitatem sic cognoscendi facilitatem et requiescendi felicitatem. Civis siquidem eris illius sancte civitatis, cuius angeli sunt cives, Deus pater templum, filius eius splendor, spiritus sanctus claritas.

50 [6] O civitas celestis, mansio secura, patria continens totum quod delectat, ubi populus sine murmure, incole quieti, homines nullam indigentiam habentes, *quam gloriosa dicta sunt de te, civitas Dei, Sicut letancium omnium habitatio est in te, omnes letantur letitia et exultatione* [Med. 4.11, 492C], quia quicquid boni usquam est, ibi est,quitquid mali est nusquam ibi

27–28 ibi fragrat . . . dispergitur *om. per hom. N* 28 fragrat] fraglat *G* numquam] non *P* 30 omnino *om. N* 31 ibi] ubi *G* 32 angustiat] angustiat *N* 33 non] nec *N* 37 summum] summe *P* iocundictas] iocunditas] *P* 38 perfecta] summa *P* 39 Unde versus *om. PG* (versus *in marg. G*) 44 et *om. P* voluptatem] voluntatem *N* 45 sicut] sic *N* 48 cives] scives *P* claritas] caritas *N* 52 letantur] in *add. N*

31–32 ibi . . . regat: (Ps.-)Leo IX, *De conflictu vitiorum atque virtutum* (PL 143:575; also PL 40:1103).

40–42 H. Walther, *Initia carminum ac versum medii aevi posterioris latinorum* (Göttingen, 1959), no. 5698.

51–52 Ps 86:3, 7.

est. O beata possessio, quam totam simul possident omnes et singuli, quicumque eam digni sunt possidere! **Omnes enim delectantur de Deo, cuius aspectus pius, facies decora et eloquium dulce, delectabilis est ad videndum, suavis ad habendum.** Ipse per se placet, et propter se sufficit ad meritum, sufficit ad premium, nec extra illum queritur quicquam aliud | quia totum in illo quitquid desideratur invenitur. Semper libebit illum aspicere, semper in illo delectari et illo perfrui, in illo clarificabitur intellectus et purificabitur affectus ad cognoscendam veritatem et diligendam. Et hoc est totum bonum hominis—nosse, scilicet et amare, creatorem suum [Med. 4.11, 492D].

[7] *Nunc enim videmus per speculum in enigmate, tunc autem ipsam veritatem puro mentis intuitu videbimus. O qui erunt oculi qui pulcritudinem illam poterunt intueri? Quam mundi, quam sani, quam sereni, quam beati? O beata visio, videre Deum in seipso, videre in nobis et nos in eo, felici iocunditate et iocunda felicitate! Quitquid desiderabis totum habebis, nichil amplius desiderans, et quitquid videbis amabis ipso amore beato; beata, inquam, amoris dulcedine et suavitate contemplacionis. Hec erit summa illius felicitas, quoniam intelligetur in suo puro esse vera divinitas, comprehendetur intus incomprehensibilis trinitas, patebunt archana divinitatis, videbitur et amabitur Deus. Et hec visio et dileccio, totum cor hominis implens et sacians, tota erit illius beatitudinis consummacio. Una erit omnium lingua, iubilacio indefessa, unus affectus, amor eternus. Patebit veritas, implebit caritas et erit integra corporis et anime sacetas. Fulgebit sicut sol humanitas glorificata; quieta erit et concors carnis et spiritus sanitas. Angelorum et | hominum unum erit gaudium, unum colloquium, unum convivium. Non languebit amor, non liquifiet dileccio presentibus omnibus bonis. Nulla erit dilacionis afflictio, quoniam beatifica divine maiestatis presencia omnibus erit omnia, et erit in commune*

149ra

149rb

58 illum] illud *N* aliud *om. N* 60 illo] illum *N* clarificabitur] clarificatur *N*
 62 nosse] noscere *G* et *om. P* 69 amplius *om. N* beato] beata *GN* 70 inquam]
 inquit *P* 71 felicitas] felicitatis *N* puro *del. P* 72 intus] modo *P*: vero *N* patebunt]
 patabunt *P* 73 divinitatis] divina *N* 78 sacetas] societas *G* 77 carnis]
 corporis sanitas *P* 79 non²] nec *N* 80–81 beatifica] beneficia *G*

53–54 quicquid boni . . . nusquam ibi est: (Ps.-)Leo IX, *De conflictu vitiorum atque virtutum* (PL 143:575; also PL 40:1103).

64 1 Cor 13:12.

65–66 qui erunt . . . quam beati: cf. Augustine, *De ordine* 2.19.51 (ed. W. M. Green, CCL 29 [1970], 135.49–50).

77 Mt 13:43.

omnium omnipotencia, sapiencia, pax et iusticia et intelligencia. Non enim erit in illa pace diversitas linguarum, sed pacifica et concors concordia morum et affectuum. In torrente illius voluptatis nichil ultra appetet cumulata societas, tanta erit felicitas, ibi erit siquidem cumulus felicitatis, supereminens gloria, superhabundans leticia [Med. 4.12, 492B]. Ibi unus prelatus nobis erit, qui super omnia est, immo qui solus vere est quia incommutabilis est, ad quem nos timor impellit, penitentia reducit, iustitia dicit, confessio conductit, perseverancia perducit, devocio introducit, spes trahit, puritas iungit, caritas unit.

[8] Quid igitur dabis aut quid facies, ne alieneris a fructu huius posessionis? Que dura, que aspera poterunt te avertere ab illa? Numquid infirmitas corporis aut temporalis rei amissio? Absit! Sed gaude sub flagello Patris, quia tibi servatur hereditas. Non enim repellat Deus creaturam suam, sed cognoscit qualiter ad purum purget eam. Si enim aspicias quid minatur Deus, gravis erit infirmitas sub qua non gaudeas ut evadas. Non enim querit te convertere, sed purgare. Sed quid minatur? | Sempiternam penam! Et si respicias quod promittit, gravissimum erit illud quod non libenter paciaris. Quid enim promittit? Sempiternam requiem! O quantas miserias corporales optare deberes ut ad requiem pervenires, quia quantascumque tribulationes et angustias nobis presentis vite propinat anxietas, parva quidem sunt que patimur, si consideremus quid biberit ad patibulum qui nos invitat ad regnum. Unde cum gaudio et leticia temporales tribulaciones excipe, quia in quantum gravaris, in tantum lucraris, et si vis excipi a numero flagellorum Dei, eris excepta a numero angelorum Dei.

149va

[9] Per laborem enim temporalem ad requiem sempiternam pervenitur. Unde quasi venale negocium proposuit tibi Deus, dicens, “Requiem venalem

82 et² om. P 83 enim om. GN pace] patria G 84 voluptatis] voluntatis P
 85 societas] societas G 87 felicitatis] tanta erit felicitas add. N 91 Quid¹] quidquic G
 quid² om. G ne] non G 94 sed] si G cognoscit] cognosce N 96 ut] si N
 convertere] conterere N 97 quod] quid N 101 quidem] siquidem P 103 excipe] excepit
 P : substine N quia] que N 104 lucraris] gravaberis N excepta] exceptus
 P 104–5 angelorum] filiorum P

95–99 quid minatur . . . requiem: cf. Augustine, *Enarr. in Ps.* 93.17 (ed. E. Dekkers and J. Fraipont, CCL 39 [1956], 1318.27).

102 quid biberit . . . ad regnum: cf. Nicholas of Clairvaux, Ep. ad Walterum (PL 196:1630).

103–4 quantum . . . lucraris: Bernard of Clairvaux, Ep. 73, ad Rainaldum Fusniacensem abbatem (ed. J. Leclercq and H. Rochais, *S. Bernardi Opera*, vol. 7 [Rome, 1974], 180).

107–25 Unde . . . habebit: cf. Augustine, *Enarr. in Ps.* 93.24 (CCL 39:1325.1–46).

habeo, eme illam de labore tuo.” Dicis illi, “Quantum valet?” Dicit tibi Deus, “Ego ostendam tibi quanta sit requies illa, tu iudica quanto labore emenda sit.” Scriptum est enim *beati qui habitant in domo tua, Domine, in secula seculorum laudabunt te.* Item *ambulabunt qui liberati fuerint et venient in Syon cum laude et leticia sempiterna super capita eorum. Gaudium et leticiam obtinebunt, fugiet dolor et gemitus. Gaudium et leticia ibi invenientur, gratiarum accio et vox laudis.* Hec est requies sempiterna | que non habet finem. O quanto labore est digna requies talis! Coequale premium. Eterno certe labore digna est requies eterna comparari. Verum est hoc, sed noli timere, misericors est enim Deus. Si enim haberes eternum laborem, numquam pervenires ad eternam requiem. Quia si semper laborares quando ad requiem pervenires? Ergo ut aliquando pervenias ad id quod emis, non in eternum laborandum est. Non quia non valet tanti, sed ut possideatur quod emititur. Digna est quidem vita illa emi labore perpetuo, sed necesse est ut temporali labore ematur. Decies, centena, milia annorum habent finem. “Quod tibi dabo,” dicit Dominus, “non habebit finem.” Non enim tibi dicit Deus “quingentos annos labora” sed solummodo “quamdiu vives labora.” Hoc est in paucis annis, inde iam requies erit et finem non habebit.

[10] Unde, ut ad illam pervenias omni alacritate, da operam ut egenis subvenias dum potes, ut tibi egredienti de corpore subveniat Christus; nudos vestias, ut te stola immortalitatis Christus induat. Oppressorum esto relevatrix et pupillorum adiutrix, dolencium consolatrix, elemosinarum largitrix, et sic regnum celorum poteris comparare. Nec hoc dico quia hiis agendis satis alacriter non te habeas, sed ut magis ac magis ad melius inflammeris, non enim nocet admissio subdere calcar equo.

[11] Unde non cures de multis diviciis congregandis, | sed magis cogita bona que preparavit Deus diligentibus se, et vilipendes quitquid transitorie delectari potest. Si proponas in animo tuo tormenta que ordinavit Deus con-

149vb

108 Dicis] dicit *G* 109 ostendam] ostendo *G* illa] et add. *N* 110 Domine *om.*
N 112 capita eorum] eos *G* 113 Gaudium et leticia *om.* *G* 115 Coequale] coequa
P : coeva *G* 116 digna] condigna *N* 117 enim *om.* *G* 118–19 Quia . . . pervenires
om. *N* 118 quando] quomodo[?] *P* 119 Ergo . . . pervenias] igitur ut venias *P* ut]
 ad regem add. *N* 120 tanti] tantum *N* 121 emi *om.* *N* est *om.* *P* 122–23 Quod
 tibi . . . finem *om.* per hom. *N* 123 dicit] dominus add. *N* 124 solummodo *om.* *N*
 vives] vivis *N* 127 subveniat] tibi add. *N* 128 Christus *om.* *G* 130 quia *om.* *N*
 133 Unde] ubi *N* 135 delectari] delectare *N* Deus] dilig add. et del. *P*

110–11 Ps 83: 5.

111–14 Is 35:9–10; 51:3.

132 admissio . . . equo: Ovid, *Ars amatoria* 2.732.

150ra

tempnentibus se, nichil vilipendes quicquid temporaliter sustineri potes. Et non est mirum, quia tanta est dulcedo visionis Dei, ut si ea nisi per unum diem frui non liceret, pro ea tamen vel ad modicum optimenda, quicquid hic placet contempni deberet. Et tanta est amaritudo eternarum penarum, tantus ardor 140 flammorum, tantus horror tenebrarum, ut si quis in eis nisi per diem torqueri non haberet, pro hiis tamen evitandis, quicquid hic cruciat tollerare deberet. *Multa distancia est inter pictum ignem et verum, sed maior est inter presentem ignem et eternum.* Ignis enim ille de quo dicetur, *Ite maledicti in ignem eternum*, tam intollerabilis est ut nulli tormento quod cogitari posset 145 debeat comparari.

[12] *Oculus enim non vidit, nec auris audivit, nec cor hominis comprehen-*
dit que ordinavit Deus contempnentibus se. **Ibi nec qui torquet fatigatur**
nec torti aliquando moriuntur; ibi nec vermis moritur nec ignis extinguitur; 150 **ibi sic flamma consumit ut semper reservet, sic pene aguntur ut semper**
renoventur [Med. 3.10, 491D]; ibi nil videtur nisi non videndo. Sunt enim
horrende tenebre et fumus teterrimus; ibi fetoressimus odoratur, sola | ama-
ritudo gustatur; ibi nichil potest tangi quod non possit et ledere, nichil ibi
155 temperatum, omnia ledunt, omnia destruunt; ibi nil memoria recolit nisi quod
pudeat, nil cogitatio voluit nisi quod doleat, nil conscientia novit nisi quod
mordeat, nil mens expectat nisi quod lugeat. Quicquid ibi est, pena est.
Quicquid mali usquam est, ibi est; quicquid boni usquam est nusquam ibi est.
In hoc horrendo carcere retruduntur inpii, **numquam lucem visuri, num-**
quam refrigerium habituri, sed per milia milium annorum cruciandi, nec
in omnia secula a suppliciis liberandi [Med. 3.10, 491D].

[13] **Duxerunt enim in bonis dies suos et in puncto ad inferna descendente-**
runt. Hic caro eorum vermbus, et illic ignibus anima deputatur, donec

150rb

135–36 Si proponas . . . potes *om. per hom. N* 136 nichil *om. G* 137 ut] quod *P*
138 pro] per *G* ea] eo *N* optimenda] optimendo *N* 139 eternarum] acerbarum *G*
140 horror] horrorum *N* 141 tollerare] tollerari *G* 143 dicetur *iter. N* 144 posset]
possit *P* 147 nec *om. G* 149 reservet] reservetur *G* 152 gustatur] grecatur *N*
potest] possit *N* ibi²] enim *P* 154 nil²] nichil *P* 157 retruduntur] includuntur *P*
158 per] mille add. *N* 160 Duxerunt] duxerint *P* enim *om. GN* 161 et *om. P*

142–43 Unidentified quotation (not translated from Latin in *Miroir de l'âme*, indicating a quotation). Cf. Helinand of Froidmont, *Sermo 16, in festo Pentecostes I* (PL 212:618): “Cavendum quoque est ab igne purgatorio; quia nulla magnitudo poenae praesentis potest comparari illius urentis; cum ignis ille tantum molestior sit igne temporali, quantum ignis ardens in fornace molestior est igne depicto in pariete.” I thank Jonathan Black for the reference.

143–44 Cf. Mt 25:41.

160–61 Job 21:13.

rursus infelici collegio collocati sempiternis involvantur incendiis qui soci fuerint in viciis. Una namque pena implicat quos unus amor in crimen ligat. Nunc ergo dic michi, quid profuit illis superbia, inanis gloria, brevis leticia, mundi potentia, carnis voluptas, false divicie, magna familia et magna concupiscentia? Ubi risus, ubi iocus, ubi iactancia, ubi arrogancia? De tanta leticia quanta tristitia, post tantam voluptatem tam gravis miseria, de illa tanta exultacione ceciderunt in grandem ruinam et magna tormenta [Med. 3.9, 491B].

[14] *Scito ergo et animadverte quod quitquid illis accedit, tibi accidere potest, quia de terra es, et de terra vivis, et in terram reverteris quando veniet dies mortis tue, que subito venit et forsitan hodie erit. Certum est enim quod morieris, sed incertum est quando aut quomodo aut ubi. Quoniam mors ubique expectat te, tu quoque, si sapiens fueris, ubique eam expectabitis. Si carnem sequeris, punieris in carne; si in carne delecteris, cruciaberis in carne; si curiosas vestes requiris, pro ornatu vestium subter te sternetur tinea et operimentum tuum erunt vermes. Iustitia enim Dei aliud iudicare non potest nisi quod merentur opera nostra. Quoniam qui plus diligit gulam quam abstinenciam, luxuriam quam castitatem, sequitur diabolum et ibit cum eo in supplicium eternum* [Med. 3.10, 491C].

[15] O anima, quis erit tunc pavor, cum dimissis omnibus quorum tibi presencia tam iocunda est, tam gratus aspectus, habitacio ipsa tam familiaris, sola ingrediens in incognitam regionem, occurrencea tibi catervatim ruere tetrica illa monstra videbis. Quis tibi in die tante necessitatis occurret? Quis tuebitur te a rugientibus preparatis ad escam? Quis consolabitur, quis deducet? O karissima domina, **quis putas tunc meror, quis luctus, que tristitia, cum separabuntur impii a consorcio sanctorum et a visione Dei, et traditi in potestatem demonum ibunt cum ipsis in ignem eternum ibique semper**

162 collocati *om.* *G* 162–63 qui . . . viciis *om.* *P* 163 quos] quod *P* 163–
64 crimen] crimen *P* 166 et *om.* *N* magna] mala *N* 167 tristitia] iustitia *P*
168 illa *om.* *N* 169 magna] magnam *P* tormenta *om.* *P* 170 accedit] et add. *N*
171 quia] enim *P* 172 venit] veniet *N* erit *om.* *G* 172–73 est . . . morieris *om.* *P*
173 est *om.* *P* 175 eam] ipsam *N* 176 curiosas] copiosas *G* vestium] vestis *P*
177 erunt *om.* *P* : erint *N* 178 iudicare] iudicari *G* nostra] tua *G* 182 aspectus] est
add. *G* ipsa *om.* *P* : ista *N* 183 in *om.* *G* occurrencea] occasuaria *GN*
186 karissima domina] anima *N* 187 consorcio] iustorum sive add. *P* et traditi *om.*
N in] vivi *G* 188 potestatem] potestate *PG* ipsis] impiis *P*

177 Is 14:11.

181–85 quis erit . . . deducet: cf. Bernard of Clairvaux, *Sermo 28.6* (in *Sermones varii*, ed. J. Leclercq and H. Rochais, *S. Bernardi Opera*, vol. 6.1 (Rome, 1970), 208.12–170).

erunt sine fine in luctu et gemitu. Procul quippe | a beata patria exulati,
 190 cruciabuntur in gehenna perpetua, numquam inde in perpetuum exituri
 [Med. 3.10, 491C].

150vb

[16] Ibi sic ignis consumit ut reservet, sic tormenta aguntur ut semper reno-
 ventur, quia reprobos in eternis cruciatibus impositos summus dolor nec cor-
 rumpit, cruciandos nec perimit, ac si ad hoc caro immortalis cum sua anima
 195 condemnata vivit ut senciat, sentit ut doleat, dolet ut meritis suis digna re-
 cipiat. Ignis tamen ille cruciat secundum magis et minus. Unde versus,

*Sic se conformat meritis cuiusque gehenna,
 Ut qui delinquit levius levioribus ille
 Subiaceat penis, et qui graviore reatu
 200 Excessit gravius graviorem senciat ignem.
 Mortis inaudite torquentur agone, quibus mors
 Est non posse mori, quia quorum mortua vita
 In culpa fuerit, sic vivet semper eorum
 Mors in suppliciis, et qui delinquere vivus
 205 Non cessat, finem moriendi nesciet illuc
 Astrictus glacie nivium de frigore transit
 Ad prunas. O supplicium miserabile! Semper
 Et nunquam moritur quem carcer torquet averni.*

[17] Sed forsitan tu queris unde ignis ille habeat nutrimentum? Sed audi et
 210 ostendam tibi. Materiam flammis gehenne crimina ministrabunt. Manebit in
 hoc scientia iudicis et auctoris, ut viscera doloribus obnoxia et solis cru-
 ciatis consecrata ignis arbiter depasta non perimat, sed ad hoc parcat ut
 semper | interimat, ut figmentum corporis in antiquis sceleribus mortuum et ad
 215 solos cruciatus redivivum, finem in ipso interitus sui confinio non inveniat.
 Sed iam exinanita virtus tollerancie sic pereat ut resurgat!

151ra

190 cruciabuntur] cruciantur *P* inde] in *N* 192 reservet] reservetur *G* 193 im-
 positos] repositos *P* nec] non *N* 194 ac si] sed *G* ad hoc *om. P* 196 tamen
om. N magis] maius *G* Unde versus *om. N* 197 Sic se (=Paris Maz. 870)] Sesem
PG : se *N* cuiusque] cunctisque *P* gehenna] gehenne *N* 198 delinquit] deliquit
N 200 gravius *om. N* 201 inaudite] semper add. *G* mors] mos *G* 202 quo-
 rum] cuius *N* 204 delinquere] derelinquere *G* : dum add. *N* vivus] vivet *N*
 205 illuc] illis *G* 206 astrictus] afflictus *GN* nivium] nimium *P* : nivis *G* 207 mi-
 serabile] mirabile *P* 208 et] vel *N* 209 sed¹] si *G* sed² *om. G* et *om. N*
 211 hoc] hac *G* viscera] vita *P* 212 depasta] depascat *P* 214 interitus] interius *N*
 215 iam] animam *G* : iam iam *N* pereat] parcat *G*

197–208 Walter of Châtillon, *Alexandreis* 10.64–68 (ed. Marvin L. Colker, *Galteri de Castellione Alexandreis* [Padua, 1978], 113–20).

[18] Iuxta tamen, sicut prediximus, **quantitatem culpe, penam sustinebit unusquisque gehenne.** Et quicumque fuerint **similis culpe, rei suis similibus iungentur cruciandi.** Nichil aliud ibi audietur nisi *fletus et planctus, gemitus et ululatus, merores atque stridores dencium.* Nichilque videbitur nisi vermes et larvales, facies tortorum atque teterrima monstra demoniorum. Vermes crudeles mordebunt intima cordis. Hinc dolor, inde pavor, gemitus, stupor et timor horrens. Ardebuntque miseri in igne eterno in eternum et ultra. In carne cruciabuntur per ignem, in spiritu per conscientie vermem. Ibi erit dolor intollerabilis, fetor incomparabilis, timor horribilis, mors corporis et anime sine spe venie et misericordie. Sic enim morientur ut semper vivant, et sic vivent ut semper moriantur. Vides ergo quomodo **anima peccatoris**, que ad ymaginem Dei facta est, aut in **inferno pro peccatis suis cruciatur aut in paradiſo pro bonis meritis collocatur** [Med. 3.10, 491D–492A].

[19] Sed tu, magis cupiens ingredi in gaudium illud angelorum, audi quomodo intrabis. *Recogita omnes annos tuos in amaritudine anime tue*, quia per amara ad dulcia, per dura et aspera ad suavia pervenitur. Impossibile | est enim quemquam frui presentibus deliciis et eternis, sed miserie deliciis et delicie miseriis commutantur. Intellige ergo quomodo, de primi parentis radice descendens, in hanc vallem miserie descendisti, et quomodo per successus momentorum **ad illos festinas qui ante te fuerunt et morte corporis hinc exierunt.** Cum eorum sepulcra respicis, non invenis in eis nisi cinerem et vermem et horrorem et fetorem. Quod tu es illi fuerunt, et quod illi sunt tu eris. Et iam presentaberis ante districtum iudicem de omnibus operibus tuis rationem redditura. Si revolvas in mente quid poteris allegare, cum venerit dies illa iudicii, et aperti fuerint libri in quibus omnes cogitationes tue et omnes actus tui, **Domino presente, recitabuntur**, mirum erit

151rb

217 rei] inventus *N* 218 cruciandi] cruciandi *P* : cruciandus *N* 218 ibi] tibi *P*
 planetus] plantus *N* : et add. *G* 219 nichilque] nichil *P* videbitur] ibi add. *G*
 222 timor] gemitus add. et del. *P* ardebuntque] ardebunt *N* in¹ om. *N* 222–23 in
 eternum om. *G* 225 enim] morituri add. *G* 226 et . . . moriantur om. *N* 228 bo-
 nis] suis add. *N* 231 tue om. *G* 233 enim om. *N* 234 intellege] intelligo *P*
 ergo om. *P* 235 radice] iudice *P* 236 te om. *P* 237 Cum] Unde *P* invenis]
 invenies *N* 238 et vermem et horrorem et fetorem om. *N* et horrorem et fetorem om. *G*
 illi fuerunt om. *G* 239 iam] in animam *G* : iam iam *N* 242 omnes actus tui] conatus
PG

218–19 Cf. Mt 8:12.

221–22 Vermes . . . horrens: treated as verse in PL.

231 Cf. Is 38:15.

si libenter non peniteas. Si cogites quid respondebis **cum dicetur de te**, “Ecce, ista fuit Regina Francie,” mirum erit si non timeas, quia tunc **reduces ante oculos tuos omnia opera tua**, sive bona sint sive mala. **Quadam enim vi divina fiet ut cuique sua opera bona vel mala cuncta in memoriam revo-**
 245 **centur, et mentis intuitu mira celeritate cernantur, ut accuset vel excuset conscienciam scientia, atque simul ita et singuli omnes iudicentur.** Unde
 versus:

250 *Iudicium faciet gestorum quisque suorum,
 cunctaque cuncorum cunctis | archana patebunt.*

151va

Quod enim nunc confiteri erubescimus, tunc omnibus manifestabitur, et quicquid hic dissimulando palpamus, totum illic vindex flamma conbu-
 ret. Unde versus:

255 *Ignis ubique ferox ruptis regnabit habenis.*

Quantoque diuciis Deus nos expectat ut emendemur, tanto districtius vindicabit si neglexerimus [Med. 2.4, 487D].

[20] Noli ergo, karissima domina, nimis ardenter vitam istam desiderare, quia **quanto plus viveres tanto plus peccares, quanto namque vita longior tanto culpa numerosior, quia cotidie crescent mala et subtrahuntur bona.** Assidue variatur cor humanum per prospera et adversa et ignorat quando moriatur. Sicut enim stella in celo choruscans velociter currit et repente deficit, et sicut scintilla ignis subito extinguitur et in cinerem redigitur, sic cito finitam datur istam cernere vitam. Dum enim libenter ac iocundissime moratur homo in mundo, denique et se victurum arbitrat-
 260 tur ac multa in longa tempora disponit agenda, subito rapitur in morte et ex improviso auffertur a corpore. Verumtamen cum magno metu magnisque doloribus separatur anima a corpore. Veniunt enim angeli assumere
 265

243 cogites] cogitas P 244 mirum] mirim P erit] est N si] tu add. N
 245 Quadam] quid N 248 scientia] suam G : om. N singuli] et add. N 248–
 49 Unde versus om. P : Unde om. G 254 Unde versus om. P : Unde om. G 256 ex-
 pectati] expectas P emendemur] emendeus G : emendemus N 258 ergo] igitur N
 259 quia . . . peccares om. N 261 per] inter P 262 quando moriatur] quantodiu
 minoratur P velociter] velocior G 265 et om. G 267–68 magnisque] magisque N
 268 assumere] assumunt N

250–51 Walther, *Initia carminum ac versum medii aevi posterioris latinorum*, no. 9920.

255 Unidentified verse.

264 sic cito . . . vitam: treated as verse in PL.

266 ac multa . . . agenda: treated as verse in PL.

151vb
 270 | illam ut perducant ante tribunal iudicis metuendi, et tunc illa commemo-
 rans opera sua mala et pessima que die noctuque gessit, contremiscit
 et querit illa fugere. Sed opera eius, quasi simul loquencia, dicent “nos tu
 egisti, opera tua sumus, non te deseremus sed semper tecum erimus, te-
 cumque pergemus ad iudicium.” Demones vero terribili vultu et horribili
 aspectu eam terrebunt, ingenti eam furore consequentur et comprehendent
 275 eam tam terribiliter quam horribiliter, volentes eam retinere et possidere,
 nisi sit qui eripiat. Tunc anima, inveniens oculos clausos et os aliquosque
 corporis meatus per quos solebat egredi et delectari in hiis exterioribus,
 revertetur ad se et videns se solam et nudam ingenti horrore concussam
 280 desperacione deficiet in se et cadet sub se, et quia amore mundi et carnis
 voluptate Dei amorem derelinquerat, derelinquetur a Deo misera in hora
 tante necessitatis, atque demonibus tradetur in inferno crucianda.

[21] Sic anima, que secundum voluntatem suam vixit in mundo, in die
 quam ignorat et hora quam nescit, rapitur a morte et segregatur a cor-
 pore, pergitque miseriis plena, tremens ac pavens. Et cum nullam excus-
 285 sacionem habeat quam pro peccatis suis possit ostendere, contabescit
 ante Deum apparere. Ingenti horrore concutitur et | multiplicibus cogi-
 tacionum estibus agitatur, cum, ingruente soluzione carnis et subductis e
 medio omnibus, se et illum tantum considerat cui apropinquat. Et post
 paululum hoc invenit, quod in perpetuum non poterit commutari. Con-
 siderat plane quam districtus veniat eternus iudex, et ante severitatem
 290 tante iusticie quas rationes vite sue ponat. Si enim opera cuncta que intel-
 ligere potuit devitavit, ventura tamen coram tam districto iudice, illa
 magis que in semetipsa non intelligit pertimescit. Crescit pavor, cum
 cogitat quod viam vite huius nequaquam sine culpa transire potuit, et hoc
 295 quidem, quod laudabiliter vixit sine aliquo reatu, non est, si remota
 pietate iudicetur. Quis enim considerare valeat quanta mala cotidie per-
 petramus et quanta bona facere negligimus? Sicut enim est perpetratio
 mali, sic delictum desercio boni. Gravis siquidem iactura est, cum nec

152ra

269 perducant] illam add. G illa om. P 270 sua] sive P noctuque] nocteque G
 contremiscit] tremescit G 271 eius om. G 272 deseremus] deserimus N 273 vultu]
 visu N 275 eam¹ om. P et possidere om. G 276 qui] eam add. G clausos]
 claudos N 277 egredi] ingredi N 278 concussam] excussa G : concussa N 280
 derelinquetur] delinquetur G in om. P 281 crucianda] crucienda P 282 suam]
 carnis P 283 quam²] qua P segregatur] seperatur N 284 tremens ac] timens ac
 tremens et G 285 contabescit] cantabescit P 286 multiplicibus] multiplicis N
 287 subductis] subductus P e] in N 290 quam] quod N 291 tante] divine N
 cuncta] tuncta P 292 devitavit om. G 296 cotidie om. G 298 mali] peccatum add.
 N delictum] delicti G siquidem om. G

300 **bona facimus nec bona cogitamus, sed cor nostrum per vana et inutilia deserimus vagari** [*Med.* 2.5–6, 488B–489].

[22] Nichil tamen est in nobis corde fugacius, quod quo ciens nos deserit et per pravas cogitationes defluit, tociens Deum offendit. Cor hominis, cor vanum, et inscrutabile, dum suo ducitur arbitrio, divino caret consilio, in seipso non potest consistere. Sed omni mobili mobilius, per infinita distrahitur, et hac | illaque per innumera discurrit. Et dum per diversa requiem querit, non invenit, sed in labore miserum a requie vacuum manet. Sibi non concordat, a se dissonat, a se resilit, voluntates alternat, consilia mutat, edificat nova, vetera destruit, destructa reedificat, eademque iterum alio et alio modo mutat et ordinat, quia vult et non vult, et numquam in eodem statu permanet. Cor hominis dum futurum non curat gaudium, nec divinum querit auxilium, ab amore celestium elongatur et in amore terrestrium occupatur. Cumque elabitur a divinis et involvitur in terrenis, vanitas illud excipit, curiositas deducit, cupiditas allicit, voluptas seducit, luxuria polluit, torquet invidia, turbat iracundia, cruciat tristitia. Sicque misericasibus subiungitur omnibus viciis, quoniam unum Deum, qui ei sufficere poterat, dimisit. Per multa dispergitur, et huc illucque querit ubi requiescere possit, nec invenit, donec ad ipsum creatorem suum redeat. A cogitatione in cogitationem ducitur, et per varias affecciones variatur, ut saltem ipsarum rerum varietate implatur, quarum qualitate saciari non potest. Sic labitur cordis miseria subtracta divina gratia. Et si ad se revertatur et discruciat quid cogitaverit, nichil reperit quia non opus fuit, sed cogitacio que componit multa de nichilo [*Med.* 9.23–24, 499B]. Unde, cum nimis difficile sit cor tenere, debemus tamen | sapientis uti consilio dicentis, *Omni custodia custodi cor tuum*. Nimis enim difficile est ut cor hominis absque peccatis possit terrenas ministrare ocupaciones [*Med.* 2.6, 489B].

[23] Nunc igitur ad cor tuum revertere, et versa et reversa in animo tuo primam propaginem condicionis tue, et **cogita de Deo quicquid melius potes et**

303 divino] dominico *P* 303–4 consilio] auxilio *G* 304 mobili] nobili *P* 305
 et¹ *om. G* illaque] et illac *G* 307 Sibi] si *N* 309 iterum *om. G* 313 excipit]
 recipit *G* 313–14 cupiditas . . . seducit *om. P* luxuria] se add. *N* 315 subiungitur]
 submergitur *N* 317 illucque] et illuc *G* nec invenit *in marg. P*: et nihil invenit quod ei
 sufficiat *G: om. N* 318 a] de *N* 319 varietate *om. G* 320 quarum] qua *P* cor-
 dis] cor de *N* 324 custodi] serva *P* 326 ocupaciones] operations *P* 327 Nunc]
 nec *G* reverttere] retere *G* et versa] adversa *P* 328 Deo] eo *N* quicquid] ut *P*

324–25 Prov 4:23.

330 de te quicquid deterius vales, et omne tempus in quo de Deo non cogitas,
 hoc te puta perdidisse. Quocumque in loco consistis cogitationes tuas
 tracta, et aliquid salutare in animo versa [Med. 6.18, 497A]. Tota facilitate
 animum colligens, libere tecum habita, et in latitudine cordis de-
 ambulans ibidem hospicium Deo prepara. Mens namque sapientis semper
 est apud Deum. Illum semper ante oculos habere debes, per quem es,
 335 vivis et sapiis. Ipsum namque ut esses habes auctorem. Ipsum eciam, ut
 sapiens sis, debes habere doctorem; ut beata sis, interne suavitatis largi-
 torem [Med. 6.19, 487B].

[24] Intende ergo tibi et ne divertas ad diversa loca, propter ipsum querendum, sed utere te ipsa velut templo propter formam Dei que in te est, et
 340 sic poteris illum venerari et imitari. Imitaris enim si pia es. Templum
 enim sanctum est Deo mens pii et altare optimum cor eius. Veneraris si
 misericors es, sicut ipse omnibus est misericors. Hostia quippe accepta-
 bilis est Deo benefacere omnibus pro Deo. Fac omnia sicut filius Dei ut
 digna sis eo qui te dignatus est | filiam vocare. In omnibus vero que agis
 345 Deum esse presentem cognosce. Cave ne in eo quod agis visio tua vel
 cogitacio delectando vel extollendo remoretur, ne aliquo facto vel signo
 Deum offendas, quoniam ubique presens cernit quicquid facis. Unde
 magna custodia tibi necessaria est, quoniam vivis ante oculos iudicis
 350 cuncta cernentis. Cum illo tamen semper es secura, si talem te pre-
 paraveris ut tecum adesse dignetur [Med. 6.19, 497C].

[25] Tecum autem adesse promptus est si ei ostium munde conscientie apperueris. Ipse enim dicit *ecce ego sum ad ostium et pulsans si quis michi apperuerit introibo et cenabo cum illo.* O felix hospes! Et o quam infelix anima que sic intendit carni sue ut illum non recipiat! Noli ergo vilipendere animam tuam, nec ita te implicare secularibus negociis ut ipsam obliviscaris que Deum
 355 hospitem potest habere, cuius **insignita** est **yimage, decorata similitudine, desponsata fide, dotata spiritu, redempta sanguine, deputata cum angelis,**

152vb

330 puta] putas *P* : computa *N* in loco *om. N* 331 animo] tuo *add. N* 331–32
 Tota facilitate] tanta felicitate *P* 332 libere] latebre *N* cordis] tue *add. N* 333 Deo]
 Christo *G* 334 es *om. N* 335 vivis] vivus *P* auctorum] actorem *P* eciam] nam-
 que *N* 338 divertas] avertas *N* 339 te¹] de *P* ipsa] ipso *N* templo] ei *add. N*
 340 enim *om. G* pia] par *P* 341 sanctum *om. N* altare] alterare *P* acceptabilis]
 acceptabile *N* est *om. P* 346 remoretur] removeatur *P* : demoretur *N* 347 quo-
 niam] qui *P* 349 semper *om. G* 351 promptus est] scias *N* 352 ecce *om. GN*
 sum] sto *N* et *om. PN* 353 introibo] intrabo *N* O¹... Et² *om. N* : Et² *om. G* 355
 implicare] implica *N* ipsam] animam *add. P* 356 est] es *N* 357 deputata *N*

360 **capax beatitudinis, heres bonitatis, rationis particeps** [Med. 3.7, 489C]. Et cum tam preciosa sit, noli eam vilipendere et ei carnem preponere. **Dominam enim ancillari et ancillam dominari magna abusio est** [Med. 3.8, 490C], quia nichil aliud est caro, cum qua tibi tanta societas est, nisi spuma et saccus olens, et erit post successus temporis **cadaver miserum et putridum et cibus vermium, et | quamquam excolatur, semper caro est.** Si diligenter consideres quid per os et nares ceterosque corporis meatus egrediatur, vilius sterquilinium numquam vidisti. Si singulas eius miserasas enumerare velis, quam sis onerata peccatis, irretita viciis, pruriens concupiscenciis, occupata passionibus, polluta illusionibus, prona semper in malum et in omne vicium proclivis, plenam omni confusione et ignominia invenies propter carnem. Namque *vanitati similis facta es*, quia ex illa vicium concupiscentie traxisti, quo captiva teneris et incurvaris ut diligas vanitatem et iniquitatem opereris.

153ra

365 [26] Attende ergo quid fuisti ante ortum, et quid es ab ortu usque ad occasum, atque quid eris post hanc vitam [Med. 3.7–8, 489–90]. Si hec memineris, beata eris, exiet enim inde radix humilitatis. Et noli **carnem tuam** 370 **preciosis rebus impinguare et adornare, quam post paucos dies vermes devoraturi sunt in sepulcro.** Animam autem **orna bonis operibus,** que in celis Deo et angelis eius es presentanda. O quam preciosus est thesaurus anime, ad cuius **precium totus iste mundus estimari non potest!** Non enim pro toto mundo Deus animam suam dare voluit quam pro anima humana dedit. Sublimius est ergo anime **precium, que non nisi sanguine Christi redimi potuit.** Si ergo ipsam male servaveris vel amiseris, quid dabis pro ipsa? **Nonne Dei filius, dum es in sinu Patris, | a regalibus sedibus pro ea descendit, ut eam liberaret a potestate dyaboli, quam cum vidisset funibus peccatorum irretitam, se occidere permisit, ut precio sanguinis sui eam redimeret?** Unde versus:

153rb

Aspice, mortalis, pro te datur hostia talis.

359 tam om. P preciosa] speciosa P 360 enim] ei P 362 olens] olins P
 366 sis] sit N 367 polluta] proscura P 369 ignominia] ignomina eam N 370 quo]
 qua G 371 opereris] operis N 372 ergo om. N et om. N es] eris P : om. N
 374 exiet] exies P tuam om. N 375 preciosis rebus om. G impinguare]
 impugnare P 377 es] est G est om. P 378 cuius] eius P 379 dare] dari N
 382 dum] eum N 384 irretitam] quam cum vidisset add. P 385 Unde versus om. P :
 Unde om. G

369 Ps 143:4.

386 X. Barbier de Montault, *Oeuvres complètes*, vol. 12 (Poitiers, 1987), 333.

[27] Propter quod agnosce, karissima domina, quam nobilis anima tua, et quam gravia fuerunt eius vulnera pro quibus necesse fuit Christum Dominum vulnerari. Si non essent hec ad mortem et mortem sempiternam, numquam pro eorum remedio Dei filius moreretur. Noli ergo vilipendere anime tue passionem, cui cum tanta maiestate, tantam vides exhiberi dilectionem [Med. 3.8–9, 490D]. Noli attendere quid caro velit sed quid spiritus possit. Tunc enim gloriosus erit spiritus tuus, cum ad Deum suum redierit, ita tamen si a corpore munde exierit et deterserit omne sordidum [Med. 3.9, 491A].

[28] Noli nimis diligere mundum neque ea que in mundo sunt, sed abhorre corruptibilia et mortalia vite negocia, in quibus nichil potest inveniri firmum neque planum neque stabile in seipsis, sed *vanitas* sunt omnia *et afflictio spiritus*. Sompno enim et umbra et aura per aera flante sunt fragiliora, minimaque inest eis gratia, et non gratia sed error quidem et seduccio malicie mundi quam non diligere sed pocius odire precipimur. Et vere odibilis est iste mundus et abhominabilis. Nam quantacumque donat amicis suis, cum ira denuo | diripit ea, nudatosque omni bono et confusione indutos, oneribusque gravibus pregravatos, eterne transmittit angustie. Nam quos modo exaltat, subito ultima miseria humiliat, subdens eos pedibus omnium inimicorum suorum. Quales ergo gratie ipsius; talia sunt et dona! Inimicus est amicorum suorum et hostis omnium qui eius faciunt voluntatem. Discerpit crudeliter incumbentes super se, et enervat illos qui confident in eo. Fedus posuit cum insipientibus et promissiones falsas eis pollicetur ad hoc tantum, ut trahat eos ad se. Et illis acquiescentibus promissionibus eius subdolis fallax ostenditur, quia nichil complet eorum que promiserat.

[29] Hodie epulis delectabilibus eorum gulam illicit, cras eos inimicis totos proicit devorandos; hodie regem aliquem constituit, et cras in cinerem redactum reddit pauperem et mendicum; hodie coronam glorie amatoris sui vertici imponit, sed vultum illius cras in terram deprimit; hodie exornat collum illius

153va

387 nobilis] est add. *N* 388 fuerunt] fuerint *P* eius *om. N* 389 essent] esset *G*
 391 cui *om. P* tanta maiestate] tantam maiestatem *P* 392 Noli] ergo add. *G*
 393 possit] poscit *N* 396 neque] nec *G* 397 corruptibilia] huius vite add. *P*: hic add.
G 398 stabile] prestabile *N* 300 aera] austra *P* 399–400 minimaque . . . non
 gratia] minima neque in eis gratia *P* 401 quam] qua *P*: que *G* 402 donat] donet *N*
 ira] ita *P* 403 diripit] eripiet *N* oneribusque] omnibusque *P*: honeribusque *G*
 406 et *om. N* 407 omnium] eorum *P* discerpit] diserpit *N* 408 enervat] numerat *N*
 410 illis *om. N* 412 illicit] et add. *G* inimicis totos] totos inimicis inimicis *P*
 413 proicit] proicis [?] *P* devorandos] cruciando *P* 415 terram] de add. *N*

420 splendidis dignitatum torquibus, cras humiliat ferreis iunctum compedibus; hodie eum letificat, et cras lamentis et fletibus eum afficit. Amabilem hunc ad modicum omnibus efficit odibilem, vero paulo post facit | et abominabilem. Et qualem finem eis imponat? Audi! Talem habet intencionem taleque propositum semper ut habitatores miserrime gehenne suos faciat amatores. Propter quod noli in ipso confidere, sed magis illuc spiritum tuum dirige ubi iturus est. Illuc festinare debes ubi semper vivas et ubi numquam amplius mori timneas.

425 [30] Omni ergo concupiscentia spirituali debes eternam vitam desiderare; **ubi nullum sustinebis laborem; ubi summa semper iocunditas, summa felicitas, felix libertas et felix beatitudo; ubi similis eris angelis Dei et fulgebis sicut sol.** Qualis putas tunc erit splendor animarum, quando solis splendorem habebit lux corporum? Nulla erit ibi tristitia, nulla angustia, nullus timor; nullus ibi labor, nulla mors, sed perpetua sanitas perseverat [Med. 14.36, 505C]; ibi totum leticia, totum exultacio possidet, hominesque angelis sociati sine ulla carnis infirmitate in perpetuum vernabunt. Ibi erit iocunditas infinita, beatitudo sempiterna, in qua qui semel trahitur semper tenetur. Ibi est a laboribus requies, pax ab hostibus, amenitas de novitate, securitas de eternitate, suavitas acque dulcedo de Dei visione. 430 Et nonne huius patrie habitacionem desiderare debes, et propter pacem et propter amenitatem et propter eternitatem et propter visionem? Nullus erit ibi peregrinus, | sed quicumque illuc venire merebuntur, securi in propria patria manebunt, semper leti et semper saciati de Dei visione. Et quanto amplius Deum amaveris, quantoque ei per opera misericordie amplius servieris, tanto ampliorem mercedem ibi recipies, Deumque proprius videbis, quem cernere finis est perfecte consumacionis [Med. 14.37, 505D–506A].

153vb

154ra

[31] **Da ergo operam** letacioni cordis tui, **ut in ipso legas et invenias Deum, et ipsum diligas.** Certa et **pugna ut vincas mundum et omnem**

416 splendidis] splendidum *P* torquibus] cor quibus *P* ferreis *om. P* 419 eis] omnibus *P* 420 miserrime] miserrimos *N* 422 est] es *P* 422–23 mori timeas] deficias *P* 425 semper *om. G* summa²] semper add. *G* 426 felicitas] et add. *P* libertas] ubertas *P* 427 erit] esse *G* 429 ibi *om. G* 430 exultacio] prot add. et del. *P* 431 sociati] sociat *P* : sociari *G* infirmata] infirmitatem *P* in perpetuum *om. P* 432 infinita] eterna *N* 434 Dei *om. P* 435 huius patrie] sancte modi [?] *N* habitacionem] vehementer add. *G* 436 propter²] ei add. *G* 437 erit *om. G* 439 quantoque] quanto *P* 440 ibi *om. G* recipies] reperies *P* : recipieres *G* 441 cernere *om. N* 443 Da] dat *P* tui *om. N* ipso] ipsis *P*

445 **inimicum, quatinus labor tuus convertatur in requiem, luctus in gaudium,**
et post tenebras huius vite *videas ortum aurore surgentis*, *videas eciam*
meridiem solem iusticie, in quo sponsum cum sponsa prospicies, unum
eundemque Deum glorie qui vivit et regnat in secula seculorum. Amen
[*Med.* 15.40, 508B].

450 Explicit speculum anime.

446 *ortum . . . videas om. N aurore surgentis] salutis aurore P* 447 *prospicies]*
respcies *P : prospiciens N* 448 *in] per omnia N* 450 *Explicit speculum anime om. GN*

446 Job 3:9.

448 Tob 9:11.

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HENRY OF HUNTINGDON'S LAPIDARY REDISCOVERED AND HIS *ANGLICANUS ORTUS* REASSEMBLED*

Winston Black

SCHOLARS of both medieval poetry and medieval medicine have long been tantalized by the assertion of John Leland, writing in the mid-sixteenth century, that Henry, archdeacon of Huntingdon (ca. 1085–1156/64),

Exhibited something worthy of memory in epigrams and amatory games. But he proved himself not quite the artist when imitating a rather recent “Macer,” I know not whom, in his book on *Herbs*. He also added to it two small books, one on *Spices*, the other on *Gems*, attaining in neither the style which I would prefer. . . . An index follows of those books written by him that are still extant:

Eight books of Epigrams,
Eight books on Love,
Eight books on Herbs, on Spices, on Gems,

to which he also added a little summary on *Weights & Measures*.¹

* This article and the discovery it reports would not have been possible without the constant support of Dr. A. G. Rigg of the University of Toronto who, after his own discovery of Henry of Huntingdon's *De herbis*, offered me the opportunity to edit the herbal in its entirety and has provided helpful corrections and suggestions to this article. I am also grateful to Jonathan Black, Diana Greenway, and the anonymous reader for their comments and corrections. Any remaining errors are my own.

¹ “In epigrammatis & lusibus amatoriis aliquid memoria dignum praestitit. At non perinde se artificem probavit, secutus nescio quem recentiorem *Macrum* in libro suo de *Herbis*: cui subjecit & alios duos libellos, unum de *Aromatibus*, alterum de *Gemmis*, in neutro assecutus gratiam, quam ego optarem. . . . Sequitur index librorum, qui ab illo scripti adhuc extant.

Epigrammatō libri octo.
De amore libri octo.
De Herbis }
De Aromatibus } libri octo
De Gemmis }

quibus et adjunxit compendiolum de *Ponderibus & Mensuris*” (John Leland, *Commentarii de Scriptoribus Britannicis*, ed. Antonius Hall [Oxford, 1709], 1:197–98. This passage is discussed by Diana Greenway in her introduction to Henry of Huntingdon's *Historia Anglorum: The History of the English People* (Oxford, 1996), cxii–cxv (hereafter, *HA*). The work on *Weights and Measures* is probably that by Bede, and not by Henry of Huntingdon (*HA*, cxvi–cxvii).

Of the eight books of epigrams, the two containing *Epigramata seria* still survive, while the six books of *Epigramata iocunda* are lost.² The eight books on love are also lost and probably never to be found—medieval love poems do not go unnoticed, while medical literature often falls through the cracks. The case is thankfully different with the third work in eight books, though it has yet to be found in one piece. The first section of this poem, *De herbis*, was recently escorted out of oblivion thanks to the discoveries of Bernd Ruppel and A. G. Rigg.³ Ruppel showed convincingly that the medical poems attributed to a certain “Henricus” in London, British Library Sloane 3468, fols. 31r–105v (s. XIV) were actually by Henry of Huntingdon, an identification previously denied by several authors;⁴ and Rigg, by the discovery of a second, more complete manuscript, Prague, Knihovna metropolitní kapituly M.VI (1359), fols. 1r–47r (a. 1443), established the correct order, as planned by Henry, for a herbal in six books. Ruppel and Rigg also proved independently that Henry did indeed imitate “Macer” (i.e., the herbal of Macer Floridus), as Leland says, in the composition of his herbal.⁵ Most recently, Diana Greenway has speculated on the interrelation and chronology of Henry’s poetic works, as based on the discovery of the herbal.⁶

I am happy to report, in the first place, that another poem by Henry of Huntingdon, *De gemmis preciosis*, has resurfaced within a medical collection of ca. 1300 (Oxford, Bodleian Digby 69, fols. 192v–195r) and is edited below; in the second, that Henry’s poem *De aromatibus* is not actually lost but is, as I will argue, part of the herbal in six books presented by Rigg from Prague 1359; and in the third, that Henry’s poem in eight books, *De herbis*, *De aromatibus*, *De gemmis* (to use Leland’s title), can now be reassembled nearly in its entirety as a poem which I am calling *Anglicanus ortus* (see pp. 50–51 below). These discoveries confirm some of Diana Greenway’s theories concerning the sequence of the composition of Henry’s works.

Before I address the main point of this article, the rediscovered *De gemmis preciosis*, it is worthwhile to note several more witnesses of Henry’s poem

² The two books of *Epigramata seria* became books 11 and 12 of Henry’s *Historia Anglorum*; see *HA*, cxii–cxiv, 778–825.

³ Bernd Ruppel, “Ein verschollenes Gedicht des 12. Jahrhunderts: Heinrich von Huntingdon ‘De herbis’,” *Frühmittelalterliche Studien* 31 (1997), 197–213; A. G. Rigg, “Henry of Huntingdon’s Herbal,” *Mediaeval Studies* 65 (2003), 213–92.

⁴ For a list of these denials, see Rigg, “Henry of Huntingdon’s Herbal,” n. 3.

⁵ *Macer floridus de viribus herbarum*, ed. Ludwig Choulant (Leipzig, 1832), reprinted in *Höhepunkte der Klostermedizin. Der “Macer Floridus” und das Herbarium des Vitus Auslasser*, trans. Johannes Gottfried Mayer and Konrad Goehl (Leipzig, 2001).

⁶ Diana Greenway, “Henry of Huntingdon as Poet: The *De herbis* Rediscovered,” *Medium Ævum* 74 (2005): 329–32.

beyond those already mentioned. After publishing his discovery of the second manuscript of Henry's herbal and editing a selection of the poems, Dr. Rigg graciously passed the edition of the complete work on to me, in the process of which I have unearthed three more manuscripts containing extracts of *De herbis*, as defined by Rigg. These witnesses show that Henry's poem enjoyed a busy (albeit piecemeal) afterlife. The manuscripts are as follows:

1) Oxford, Bodleian Library Digby 13, fols. 91r–92v (s. XII).

This selection was hardly "discovered," as the catalogue of *Codices Digbeiani* actually gives its title as "Excerptiones de libro Henrici" and suggests that it is "from the book of herbs compiled by Henry of Huntingdon, as Leland and others write."⁷ The "Digby Excerptor," as I call him, compiled abbreviations of fifty-one of the herbs, drawn from only the first four books of *De herbis*. They are found appended to a copy of the herbal of Macer Floridus. Though the excerpts are written as prose, fifty-three lines of poetry have been preserved mostly intact within the abbreviated entries. The rest of the entries show the excerptor had not only a keen understanding of Henry's poems but also a desire to present their medical information in a simpler format than that used by Henry.

2) Cambridge, Trinity College O.9.10 (James 1422), fols. 89r–108r (s. XV).

This manuscript offers a fascinating compilation of several herbals. The "Trinity Compiler" has collected ninety poems on herbs from the verse herbals of Macer Floridus, Henry of Huntingdon, and an as yet unidentified source. The compiler not only made a new collection, but he or another poet rewrote and expanded many of the poems, often adding new lines with information drawn, it seems, from the works of Pliny the Elder and Constantine the African. Fifty-one of the poems are based on poems from the herbal of Macer Floridus, twenty are based on Henry's poems, drawn from all six of the books presented by Rigg, and two poems are combined from the work of both Macer and Henry. The seventeen remaining are by an unknown herbalist, one worth identifying, as portions of his poems also appear in the much earlier manuscript, Digby 13, immediately before the "Excerptiones" on fols. 89–90.

⁷ The title "Excerptiones de libro Henrici" also appears in the manuscript. The cataloguer adds the following description: "'Excerptiones de libro Henrici' de herbis variis. f. 91. Ex libro Herbarum compilato, ut Lelandus aliquie scribunt, per Henricum de Huntingdon" (William D. Macray, *Catalogi codicium manuscriptorum Bibliothecae Bodleiana pars nona codices a viro clarissimo Kenelm Digby, Eq. Aur., anno 1634 donatos, complectens: adiecto indice nominum et rerum* [Oxford, 1883], 10). Over a century later, in the annotated reprint of Macray's catalogue the editors say firmly that it is "not by Henry of Huntingdon" (R. W. Hunt and A. G. Watson, *Bodleian Library Quarto Catalogues IX. Digby Manuscripts. 2. Notes on Macrays' Descriptions of the Manuscripts* [Oxford, 1999], part 2, p. 11).

3) Oxford, Bodleian Library Digby 69, fol. 192r–v (s. XIII ex./XIV in.)

This short herbal proved to be a collection of sixteen poems drawn from Henry's books V and VI. The first poem begins in the middle of V.1.1, Henry's poem on plantain (*De plantagine*). The only change made by this compiler was to cut some lines, though this witness provides two lines not found in Prague 1359, the primary witness of books V and VI. After the herbal poems is the verse lapidary edited below, which treats the medical and magical attributes of stones.

DE GEMMIS PRECIOSIS AND ITS AUTHORSHIP

The lapidary in Oxford, Bodleian Library Digby 69, fols. 192v–195r, contains thirty-five poems in Latin hexameters with a total of 318 lines. The title is given as *De gemmis preciosis* in the margin next to the first poem.⁸ The poems are short, ranging from two to eighteen lines, and averaging about nine each. The arrangement and length of the poems, as I will show, are most likely not as the author intended. The lines are occasionally rhymed, most notably 1.1–6 and 27.15–16, which employ *unisoni* Leonine metre. Nearly every poem contains one or more lines in monosyllabic Leonines,⁹ while there is only one example each of disyllabic (14.9) and trisyllabic rhymes (30.4). Henry occasionally uses *caudati* couplets, especially in poem 34, in which the last six lines rhyme *aabbcc*.¹⁰ There are also two impressive triple rhymes at 15.1 and 26.2. Alliteration is not uncommon, especially in the final line of some poems: “iacinctum mittere iactant” (4.4), “a bimari Corinthio, carior auro” (11.4), “bis senas uendas predictas” (8.5), “Limpidus . . . limpha” (15.2), and other examples are found at 18.11, 29.12, 31.11, and 33.3.

In terms of subject, the poems are not original. Almost all of the entries are close rewordings of poems found in the eleventh-century *De lapidibus* of

⁸ I will hereafter use the title *De gemmis preciosis* to refer to the lapidary in Digby 69, and simply *De gemmis* to refer to the lapidary portion, probably lost to us, of the eight-book poem known to Leland. Citations from *De gemmis preciosis* are by poem and line number in the edition below (e.g., 1.1 for the first line of poem 1). Poems from books I–VI of Henry's herbal will be cited by book and poem number as they appear in Rigg's study of the poem, “Henry of Huntingdon's Herbal” (e.g., V.1.1 for the first poem of book V, part 1), and line citations are from the edition I am currently preparing, to which I have given continuous numbering for the entire 3386 lines; I will also refer to Rigg's edition of the poems included in his article.

⁹ *De gemmis preciosis* 2.3, 2.9, 3.6, 4.7, 5.9, 6.1, 6.6–8, 7.1, 8.10, 9.6, 10.4, 10.6–7, 11.2–3, 12.4, 13.3, 14.1, 14.8, 15.9, 16.2, 16.4, 17.1–3, 18.3, 18.9–10, 19.10, 20.5–6, 22.2, 22.5, 23.4–5, 24.4, 25.6, 27.17, 28.6–7, 28.9, 30.5–7, 30.12, 31.11, 33.1, 34.1–2.

¹⁰ *Caudati* end rhymes are also found in *De gemmis preciosis* 3.1–2, 4.1–2, 4.5–6, 5.10–11, 8.3–4, 20.3–4, 27.3–4, 27.12–13.

Marbod of Rennes, one of the most popular lapidaries of the Middle Ages.¹¹ As there are at least 125 manuscripts of Marbod's *De lapidibus*, there should be little wonder that a single exemplar of *De gemmis preciosis* has remained hidden for so long.¹² Poems 1–4, 6–16, 19–28, 30–32, and 34 are based solely on poems by Marbod. Poems 5, 17, 33, and 35 draw on the sixteenth book ("De lapidibus et metallis") of Isidore of Seville's *Etymologiae*.¹³ The two remaining poems (18 and 29) are based primarily on Marbod's work but are supplemented with information respectively from Constantine the African's *Liber de gradibus*¹⁴ and Bede's *Ecclesiastical History*. Thus the poems in Digby 69 add little to the sum of medieval lapidary knowledge, but they do show that Latin poets of the twelfth century found magical and medical gems to be a worthy subject.¹⁵

How do we know for certain that *De gemmis preciosis* is by Henry of Huntingdon? Several facets of the poems point to a poet like Henry. In the first place, the method of composition in the lapidary poems is very similar to the method employed by Henry in *De herbis*, to wit, a close reworking of medical poems by an eleventh-century scientific writer (in the latter case, Macer Floridus). In the second, the use of classical deities and epithets not already found in Marbod's poem points to a well-educated and artful writer.¹⁶ With this evidence, however, any number of poets could be named, including Marbod's friend and literary rival Hildebert of Lavardin.

¹¹ John Riddle, *Marbode of Rennes' (1035–1123) "De lapidibus" Considered as a Medical Treatise with Text, Commentary and C. W. King's Translation together with Text and Translation of Marbode's Minor Works on Stones*, Sudhoffs Archiv Zeitschrift für Wissenschaftsgeschichte 20 (Wiesbaden, 1977). The edition in PL 171:1738–70 is still useful.

¹² Ibid., ix–x, 131–39.

¹³ Isidore of Seville, *Etymologiarum sive originum libri XX*, ed. W. M. Lindsay (Oxford, 1911). Poem 5 employs both Marbod and Isidore, while poems 17, 33, and 35 are based solely on Isidore. Poems 33 and 35 could be based rather on the final two poems from a set of lapidary poems once attributed to Marbod, printed in the PL 171:1777–80. It is more likely that Henry and this Pseudo-Marbod simply share Isidore as a source.

¹⁴ See pp. 66–67 below on the author's use of Constantine and the *Liber de gradibus*.

¹⁵ The scholarship on medieval lapidaries is extensive. Most pertinent to Henry's work are Felix Klein-Franke, "The knowledge of Aristotle's lapidary during the Middle Ages," *Ambix* 17.3 (1970): 137–42; A. Closs, "Die Steinbücher in kulturhistorischer Überschau," *Graz Landesmuseum Joanneum Mineralogisches Mitteilungsblatt* 8 (1958): 1–34; Joan Evans, *Magical Jewels of the Middle Ages and the Renaissance, Particularly in England* (Oxford, 1922); J. Evans and P. Studer, *Anglo-Norman Lapidaries* (Paris, 1924). The fullest recent study of lapidaries comes from Peter Kitson: "Lapidary Traditions in Anglo-Saxon England, Part I: The Background; the Old English Lapidary," *Anglo-Saxon England* 7 (1978): 9–60, and "Lapidary Traditions in Anglo-Saxon England, Part II: Bede's *Explanatio Apocalypsis* and Related Works," *Anglo-Saxon England* 12 (1983): 73–123.

¹⁶ The Muses appear in poems 16 and 34. *Lieus*, an epithet for Bacchus, is used instead of *vinum* in poem 9. Henry employs this name many times in *De herbis* (lines 253, 425, 587, 950,

There are several small but vital pieces of evidence that lead us to a sure identification. In poem 14, *De margarita*, the author claims that pearls come from India and from “our Britain” (“nostra Britannia,” 14.5). Furthermore, the second line of poem 29, on jet (*De gagate*), is almost identical to a line from Henry’s poem on fennel (*Feniculum*): “sic uiro uirus, sic pesti pestis haberis” (III.2, line 1231). Such a match can be no mere coincidence; it points to the same authorship, or to an author familiar with Henry’s work. A final piece of evidence, and most convincing, is a line in the poem on bloodstone (*De eliotropia*), which shares its Latin name with the pot marigold; in order to increase the power of the stone *eliotropia*, the author says, “join to it the herb of the same name which I, writing about herbs, placed after parsley” (“illi consocians eiusdem nominis herbam / gramina quam scribens subieci petrosilino,” 9.10–11). In Henry’s herbal there is a poem on the herb *solkewium*, called *eliotropia* in Greek (though spelled *elitropia* in the herbal), placed immediately after the poem on parlsey/*petroselinum* (I.21 and I.22).¹⁷ We are fortunate that information relegated to footnotes today was worthy of poetry in the twelfth century, else the definite connection between *De herbis* and *De gemmis preciosis* might never have been made.

Once we can be sure that Henry of Huntingdon is indeed the author of *De gemmis preciosis*, other pieces fall into place. Henry quotes Virgil and Ovid in both the herbal and lapidary, a literary flare not typical of most medieval medical writings. In the herbal, Virgil is quoted or mentioned explicitly in poems I.6 (*Ambrosia*), II.17 (*Serpillum*), III.1 (*Diptannus*), and VI.1.10 (*Ceroton*), and Ovid in the prologue to book I and poems I.4 (*Laureola*), I.10 (*Ruta*), I.12 (*Cametreos*), III.1 (*Diptannus*), and VI.1.9 (*Ciminum*). In *De gemmis preciosis*, Ovid is quoted directly in 20.2 (“flammas imitante pyropo,” *Metamorphoses* 2.2) and Virgil in 28.2 (“comitatus Achate,” *Aeneid* 2.32).¹⁸ Similarly, Henry sometimes apostrophizes both the herbs and stones:

De herbis:

Compatriota tibi dat, baldemonia, laudes
(*Baldemonia*, I.5, line 109; ed. Rigg, 253)

1172, 1711, 1901, 2278, 2514, 2570, 3009, 3297; see also Rigg, “Henry of Huntingdon’s Herbal,” 255, Appendix 6). Though Henry was hardly the only author using *Lieus* for *vinum*, the absence of the word in Macer’s herbal and Marbod’s lapidary points to Henry, or someone like him, by negative implication.

¹⁷ I.22 is edited by Rigg, 256–58.

¹⁸ There are also Virgilian echoes—“India mittit” (5.6, 6.6, 14.5), *Georgics* 1.57; “fugit illicet” (27.4), *Aeneid* 8.223—and Ovidian echoes—“scandit Phebus” (16.2), *Fasti* 3.415–16; “tumidis . . . ocellis” (19.13), *Amores* 3.6.79; “responsa petenti” (22.1), *Metamorphoses* 3.340; “anxia lectum” (27.4), *Metamorphoses* 11.471. I am grateful to the anonymous reader for identifying these instances.

Enula, que tibi vis, quam vulgus nominat elnam?
(Enula, III.15, line 1559; ed. Rigg, 270)

De gemmis preciosis:

Vim reserabo tuam. Vis est tibi magna, pirithes
(De pirithes [sic], 20.1)
 Vires ecce tue, dionisia, non reticentur!
(De dionisia, 24.1)

The reference to Bede's *Historia ecclesiastica* in the poem on jet (29.1–6) provides a link to Henry's *Historia Anglorum*, in which he cites the same passage.¹⁹ Furthermore, in some poems we see a creativity that, in the realm of medical literature, could belong only to Henry, once we have counted out Marbod of Rennes. For example, at the start of poem 8, *De carbunculo*, the narrator is joined by another character, possibly Evax, a mythical king of the Arabs and supposed progenitor of all lapidary knowledge, whom Henry explicitly cites in his first two poems, *Saphirus* and *Jaspis*.²⁰ Henry pauses in his oration to ask this person, apparently sitting before him, if there are more stones:

“Sunt,” inquam “plures?” “Sunt,” inquit. “Dic mihi quot sint,
 magne uir, et quanti.” Tunc crinibus ille reiectis
 sedit et incepit. . . .

Henry employed just this sort of literary device at several points in *De herbis*. In book V, a character called “the Cook” mocks him and takes over the poem in order to explain his favourite vegetables (V Interlude, lines 2615–24; ed. Rigg, 280–81). Their argument continues through the six poems on vegetables (V.2.1–6). Similarly, a bearded old man interrupts book VI and asks (in a much kinder fashion than the Cook) that Henry treat more spices (VI Interlude, lines 3083–95; ed. Rigg, 286–87). Yet another indicator of Henry's authorship is the manner in which the poems are organized (or rather, were intended to be organized). I will treat this issue fully in the following section.

THE RELATIONSHIP OF LELAND'S *DE HERBIS*, *DE AROMATIBUS*, AND *DE GEMMIS*

In order to understand the intended arrangement of *De gemmis preciosis*, we must first return to the questions of how it fits together with Henry's other

¹⁹ *HA*, 10–12; Bede, *Ecclesiastical History of the English People* 1.1 (ed. Bertram Colgrave and R. A. B. Mynors [Oxford, 1991], 16).

²⁰ On Evax, see Riddle, *Marbode*, 4–5, esp. n. 20; and p. 60 below.

medical poems, and of where the poem *De aromatibus* (as reported by Leland) also fits in his collected works. Leland says that *De herbis*, *De aromatibus*, and *De gemmis* make up eight books (see p. 43 above), and he implies that *De herbis* makes up the bulk of those, since the latter two are mere *libelli* added to it. How are we to understand this? Are the lapidary and spice-book restricted to only one book each? This would be the case if we follow the arrangement suggested by Rigg who, in his description and partial edition of *De herbis*, laid it out in six books, which would allow only two books for *De aromatibus* and *De gemmis*.²¹ This was a natural supposition in the absence of *De gemmis*. I will argue, however, that Henry planned a medical poem in eight books, divided neatly down the middle: books I–IV contain one hundred herbs²² (if we do not include the two plants in IV Epilogue 1) and books V–VIII cover, respectively, more herbs, spices, gems, and stones.

It is at this point that we must abandon the titles provided by Leland, for they will only serve to confuse. It is clear that Leland had before him a poem in eight books that treated, at various points, herbs, spices and gems, but his description does little to suggest their actual order, for books I–IV treat herbs, book V treats herbs and vegetables, only book VI treats spices,²³ and books VII and VIII treat gems and stones, respectively. The names *De herbis*, *De aromatibus*, *De gemmis* do indicate most of the contents of all eight books, yet they are not useful for indicating particular books or sets of books. Though the name *De gemmis preciosiss* still suffers the same problem as Leland's *De gemmis*, namely, that the work it refers to treats both gems and stones, I will use only the former as I wish to emphasize the difference between the lapidary in Digby 69 and whatever Leland had in front of him. That said, is there a better title for the whole work? And how are we to differentiate the individual books and sections of the eight-book poem? Henry left no title for the work and, moreover, its existence in eight books is attested not by any single manuscript, but only by the witness of Leland.²⁴ For the sake of con-

²¹ Rigg, "Henry of Huntingdon's Herbal," 219–20. Greenway has followed this assumption, considering the first six books to be *De herbis*, and the missing, remaining two as *De aromatibus* and *De gemmis* ("Henry of Huntingdon as Poet," 331).

²² Even before Ruppel and Rigg independently identified Henry as the author of *De herbis*, John H. Harvey had used Sloane 3468 to propose an arrangement of the hundred herbs in a square garden, "The Square Garden of Henry the Poet," *Garden History* 15.1 (1987): 1–10.

²³ VI.1.1, lines 2823–24 (ed. Rigg, 286): "Protinus eosas species, celestia dona, / Exequar." In the epilogue to book VI, the author refers to "160 eastern spices" but, as Rigg notes (287), only book VI contains the eastern spices, and 160 refers to the total number of herbs and spices in books I–VI.

²⁴ In the final line of book VI (line 3386), Henry hints at a title, but his meaning is not clear: "In primo primi titulum deprendito libri" (ed. Rigg, 288).

venience I will hereafter address the poem in eight books as *Anglicanus ortus*. This is the title given by the scribe of Prague 1359 to his herbal in six books and, though probably not planned by Henry himself, is an apt name for the entire work.²⁵ From here on, I will distinguish Henry's entire *Anglicanus ortus* between part 1 (books I–IV) and part 2 (the epilogues of book IV and books V–VIII). I will now examine how Henry organized *Anglicanus ortus*, how he intended it to be read, and how we are to understand its various parts.

Despite the disparate nature of Henry's poems and their surviving manuscripts, he left clues within the work itself as to their intended organization. In the prose prologue he describes a garden with a central theatre, both of which will serve as stages for his poems:

Therefore I set forth the example of a fine garden. Since it is square, let there be a lake in the middle, in which you can see fish swim. In the middle of the lake there is a seat, a kind of theatre, keeping off the sun with interwoven branches.²⁶

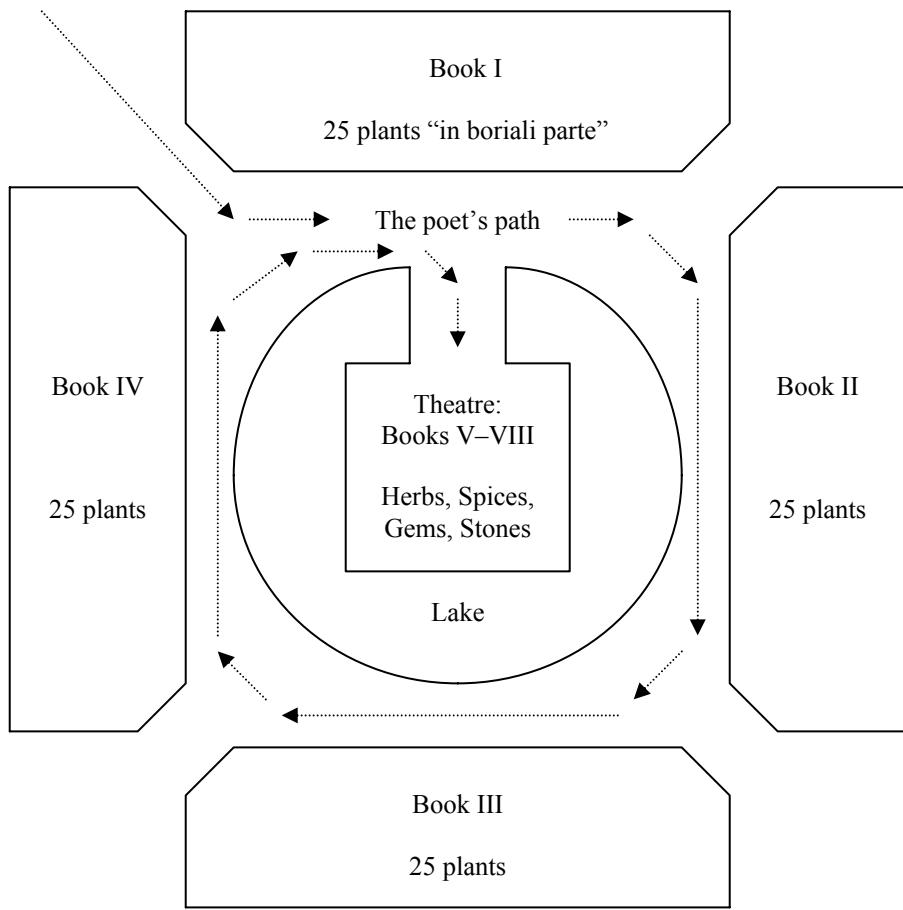
In these lines Henry sets up not only a pleasant mental image for the reader, but also stage directions for the characters of his work to follow. The location of the theatre in the middle of the garden will be vital for understanding the organization of the books and poems. The garden is also called “square” at the end of a list of herbs found in Sloane 3468: “Henrici Poete centum herbarum. De xxv herbis que sunt in boriali parte orti sui quadranguli.”²⁷ Though the poems in this manuscript have been alphabetized, this list nonetheless gives the twenty-five poems found in book I in the most complete manuscript, Prague 1359.²⁸ Three other lists are provided in Sloane 3468, giving the herbs found in books II, III and IV, respectively. It is a reasonable assumption, based on the first list, that the square garden would have four beds, one on each side, each containing twenty-five herbs, so that each book, with its prologue, represents a single garden plot:

²⁵ After the two epilogues of book IV, the Prague 1359 scribe has added “Sequitur quintus liber Anglicani orti” (fol. 32r). This is the only point at which this name is given.

²⁶ “Exemplum ergo delicati proponimus orti. Qui cum quadratus sit, in medio eius lacus sit, in quo pisces natare videas. In medio vero laci sedes est quasi theatrum, palmitibus conductis Phebo resistens” (ed. and trans., Rigg, 249, 251).

²⁷ The list is provided by Rigg, 288–89.

²⁸ This list was the basis for Harvey's description of a square garden (see n. 22 above). Harvey, however, assumed that his Henry was a much later poet than Henry of Huntingdon, and that the garden actually existed. While I would be delighted to discover that Henry actually grew these plants, the arrangement is no more than a literary device, albeit a complex one. After Harvey, Ruppel, “Ein verschollenes Gedicht,” 205–6, also treated the order, and Rigg, “Henry of Huntingdon's Herbal,” was able to expand on their statements with the aid of the second manuscript.



The Square Garden.

As shown in the diagram, a visitor to the garden envisaged by Henry would probably move in a clockwise direction on a path next to the beds. The garden tour begins at the north bed, as we know from two sources: the list in Sloane 3468 indicates that the first twenty-five poems are “on the northern side” (“*in boriali parte*”), and at the end of I.25, on myrtle (*Mirtus*), Henry indicates that “here an end is given to the northern bed, and here I am pleased to put an end to the book.”²⁹ Not only does he situate each bed of twenty-five herbs on a cardinal direction, but he clearly equates a plant bed with a book of poems.

²⁹ I.25, lines 616–17, “Lateri finis boreali / Hic datur, et finem libet hic donare libello” (ed. and trans Rigg, 261).

Based on this, the three following books would presumably give twenty-five herbs each on the eastern, southern, and western sides.³⁰

Another aspect of *Anglicanus ortus* that lends it a more realistic feel are the dialogues in several of the poems. While the narrator describes the plants, he is escorting the reader, as a visitor and student, around the garden. In several poems, especially earlier in the work, the poet, like an instructor, directs questions to his companion: “Do you know what *menstrua* are?” “What did they call *steras*?” “What are *hicterici*?” After these questions, the answers are provided, though it is not clear if by the narrator or the “student.”³¹ Thus *Anglicanus ortus* is not merely a list of plants, for Henry localizes us within his poetic garden at many points. He was careful about the placement and order of the poems within each book, and necessarily so: the poems often run together to form a story, the narrator maintains a dialogue with several antagonists (such as the Cook in book V and the Old Man in book VI), and the herbs are placed in specific beds around Henry’s garden. For example, in books I-IV, Henry begins the twenty-first poem of each book by indicating that twenty have come before: in the first instance, “Viginti visis patet (aspice!) petroselinum” (*Petroselinum*, I.21, line 489). Similar markers (described fully by Rigg) are scattered throughout books I-VI.

It appears that Henry composed part 1 of *Anglicanus ortus* first and even circulated it separately before he wrote part 2. I will not discuss here the dating of the poem already examined by Rigg and Greenway, but suffice it to say that internal evidence places the writing of parts 1 and 2 rather far apart in time.³² What is more, there are several instances in which the hundred plants of part 1 are treated as a separate work. The lists of herbs found in Sloane 3468, mentioned above, are said to be taken from “the hundred herbs of Henry the Poet” (“Henrici Poete centum herbarum”). As far as the compiler of this herbal collection was concerned, Henry had written on only the hundred plants of part 1. Similarly, the plants in the twelfth-century “Excerptiones de libro Henrici” described above (Digby 13, fols. 91r–92v) are taken only from books I–IV. The best evidence, however, for the independence of part 1 comes from Henry’s own poems in part 2 of *Anglicanus ortus*. In the interlude to book V he mentions the “previous hundred” plants (“prescripti centum,” line 2611; ed. Rigg, 280). This earlier group of one hundred is further defined in VI.12 (*Aloe*). Speaking of the herb pellitory (*piretrum*), Henry refers the

³⁰ A counterclockwise direction is just as likely, but would not affect my argument.

³¹ “Scis quid menstrua sint?” “Quid dixere steras?” “Quid sunt hicterici?” These examples comes from I.1 (*Arthemisia*), lines 29, 34, 37.

³² Rigg, “Henry of Huntingdon’s Herbal,” 222; Greenway, “Henry of Huntingdon as Poet,” 331.

reader to its own poem (III.18, lines 1628–54) that is found in “the book that contains one hundred herbs.”³³ Clearly Henry intended those first four books to have a marked independence from the following books.

Now that five manuscripts containing portions of Henry’s *Anglicanus ortus* have been discovered, the patterns of its production are clearer. Books V–VIII appear to have been written and disseminated separately from I–IV, and even V–VIII appear to have been split in half. Only Digby 69 contains poems from books V–VIII, and incomplete at that, while Prague 1359 and Trinity O.9.10 represent books I–VI. On the basis of the manuscripts and on the internal evidence which I will discuss below, I suggest that Henry first wrote and distributed part 1. At a later date, he returned to his medical poetry and planned out part 2 in four books, parallel to the original four. The composition and dissemination of this part, however, seems to have been split between books V–VI and VII–VIII. Books V and VI were added to I–IV and circulated as a herbal in 160 poems (witnessed by Prague 1359), but part 2 in its entirety, V–VIII, also circulated (witnessed by Digby 69). This order of composition can only be supposition at this point, but the numerous recensions of Henry’s *Historia Anglorum* indicate that he may well have composed his other works in separate pieces over long periods of time.³⁴

If the scribe of Sloane 3468 knew part 1 as the “square garden” (*ortus quadrangulus*), then we can call part 2 the “theatre.” As we have seen, Henry says in the prose prologue that there is a theatre in the centre of the square garden. We do not see this theatre again until IV Epilogue 1: “If the hundred herbs do not already bore the viewer, go to the theatre (though it’s small) which you will see in the middle of the garden.”³⁵ The passage from the garden path to the island theatre is set up as if the end of the herbal and Henry may have originally intended it as such. The order of composition discussed above would support this reading. But in the context of the eight-book *Anglicanus ortus*, this poem serves a dual purpose, both as epilogue and prologue. In the first case, it draws the herbal in four books to a close, since the poet announces that evening is drawing on and he is tired.³⁶ In the second, it is our introduction to the stage on which Henry is obliged to perform the poems of

³³ VI.1.12, lines 3081–82: “Sint satis hec nam de piretro qui quantaque possit / continet ille liber qui centum continent herbas.”

³⁴ Greenway has traced six major redactions of the *Historia Anglorum*, written over a period of a quarter century (*HA*, cxliv–clvii); see also “Henry of Huntingdon as Poet.”

³⁵ IV Epilogue 1, lines 2285–87: “Tedia ni tulerint cernenti gramina centum, / Iam theatrum pete, sed modicum, medio quod in orto / Suspicies” (ed. and trans. Rigg, 275–76).

³⁶ IV Epilogue 1, lines 2297–98, “Rarescente die, gelidos iam promouet ortus / Vesperus et fessos requieci dedicat artus” (ed. Rigg, 276).

part 2 (that is, books V–VIII, which Leland described inaccurately as *De aromatibus* and *De gemmis*).

The key to the organization of part 2 is found in the prologue to book V:

. . . principium rerum, vegetacio, finis earum,
cui, ludens Veneremque fugans et gramina plantans,
ter nitui: quarto quadratum texo libellum,
in quo vulgares recito ter quatuor herbas,
tot species, totidem gemmas totidemque lapillos . . .
(V Prologue, lines 2327–32).³⁷

The poet, having finished part 1, praises the creator of all things, especially of plant life, and notes that he has distinguished himself three time already: playing, chasing Venus, and planting herbs. These lines intentionally echo the final poem of Henry's letter “De contemptu mundi,” where he tells his fellow archdeacon Walter that he has already written “epigramata primum, / prelia mox Veneris, gramina deinde.”³⁸ These three activities represent Henry's three poetic works described by Leland: 1) he played in his books of epigrams (particularly in the *Epigramata iocunda*); 2) he chased Venus in his eight books *De amore*; and 3) he played the gardener in part 1 of *Anglicanus ortus*, which he has just completed. Here we have another instance in which Henry considered books I–IV as a complete and independent work. With that in mind, we can understand how part 2 is to be seen as a “fourth” endeavour. For this fourth task, he vows to provide a “squared” set of poems, twelve more on herbs, twelve on spices, twelve on gems, and twelve on stones. This book is “woven” (“texo”), suggesting a complexity not found in part 1.

The quadripartite structure of part 1 is reflected in part 2, on a smaller scale: in the former the poet guides the reader through four beds of 25 plants each, and in the latter he intends to describe four groups of 12 items each. And just as the garden of part 1 was called *quadratus* (see n. 26 above), so also the performance of Part 2 is called a *libellus quadratus*. Our herbalist's orderly plans, however, are for naught, and it is in his cleverly designed “failures” that Henry's creativity really shines. Each time he finishes a set of twelve poems, an authority (sitting, as it were, in the audience of the theatre) interrupts and says that there are more; Henry then writes the remaining poems of the book in question in the voice of the character who has interrupted. After twelve herbs (V.1.1–12) the Cook demands to hear about the vegetables and goes on to relate six more poems (V.2.1–6) himself. Henry

³⁷ In Rigg's edition (279, Appendix 19, line 9) *Seruitui* is given for *ter nitui*, though the only manuscript for this poem, Prague 1359, clearly reads *ter nitui*.

³⁸ HA, 618. Greenway examines this passage further in “Henry of Huntingdon as Poet.”

takes over again in VI.1.1, explaining the virtues of twelve eastern spices, as he planned in the prologue to book V. Following those twelve poems Henry is once again scolded, yet now more gently, by an old man. This figure could be Apollo in disguise,³⁹ or Constantine the African, whose *Liber de gradibus* is the source of most of the poems that follow (though his name is never mentioned).⁴⁰ The remaining twenty-eight poems in book VI are given in the persona of the Old Man, who had ended the interlude to book VI with, “I shall set down what the Arab once, and (what) the Chinese and the Indian taught when travelling among them.”⁴¹ A similar pattern was repeated, I believe, in books VII and VIII, as I will explain in the next section.

From Henry’s own language we can see how he viewed the separate parts of *Anglicanus ortus*. Books I–IV were seen as a single work: he calls them *ille liber*. Likewise, books V–VIII are a single *libellus* in four parts, though we are not to give undue credence to the diminutive form, for part 1 and part 2 are of apparently equal size. How many entries in total, then, are in part 2? At the end of book VI, the poet says that 160 “eastern spices” have been discussed, though he must be referring to all herbs and spices; if we add up the poems in books V and VI, we get fifty-eight herbs, vegetables and spices (twelve herbs by Henry + six herbs by the Cook + twelve spices by Henry + twenty-eight spices by the Old Man). In order to reach this total of 160 we need to include the two plants found attached to the theatre itself: the grape vine and cucumber growing on the trellis.⁴² But if part 1 is to contain one hundred herbs, as we have seen in several places, the poem in which the vine and cucumber are mentioned (IV Epilogue 1, as named by Rigg) should not be considered part of book IV, but rather part of book V or not part of a book at all, like the prose prologue. I would suggest that Henry, when he first wrote this epilogue, had provided the vine and cucumber merely as decoration, but when he later was planning out part 2, he decided to include these two in his total of 160.

The final two books are found in only one manuscript, Digby 69, and in that form they contain thirty-five poems. I will discuss below my reasons for believing that Henry intended *De gemmis preciosissimis* (books VII–VIII) to cover forty gems and stones. This would bring the total of medical ingredients treated in *Anglicanus ortus* to 200, divided neatly between one hundred herbs in the square garden and one hundred herbs, spices, gems, and stones in the

³⁹ See Rigg, “Henry of Huntingdon’s Herbal,” 286.

⁴⁰ See pp. 66–67 below on Henry’s use of Constantine.

⁴¹ VI Interlude, lines 3094–95: “Quod Arabs quondam, quod Serus et Yndus / Inter eos peregrinantes docuere reponam” (ed. and trans. Rigg, 286–87).

⁴² Rigg (218) examines the organization of these poems more fully.

central theatre. Table 1, on the following page, gives the layout of the entire *Anglicanus ortus*, noting where Henry has provided structural indicators, that is, lines and poems which explicitly note the place of the poem in the book, or give a preview of poems to come. The plan for books VII and VIII is conjectural, based on a few hints in the poems and the patterns seen in the previous books, which I will address below. This table shows the structure of *Anglicanus ortus* as I believe Henry intended it: an eight-book medical poem, divided evenly into two parts of one hundred items each. This even division is dependent on there being forty gems and stones in *De gemmis preciosis*, though we cannot be sure about this. There also remains confusion about the placement of the two plants in IV Epilogue 1. It might help to consider that poem and IV Epilogue 2 rather as prologues to book V, though this is imposing more structure on the poem than even Henry probably intended.

ORGANIZATION OF *DE GEMMIS PRECIOSIS*

While some of the preceding information is found in Rigg's article, it is necessary to view it again in the light reflected by Henry's gems. The clues about the intended organization of *De gemmis preciosis* are scattered and cryptic, but examined closely they can help us put the books VI–VIII back in some order. We have already seen how Henry has shaped the earlier books with both numerical precision and literary devices. As described above, Henry has created a believable space (the square garden) in which to discuss the first one hundred herbs, but where do we find the *materia medica* of books V–VIII, the extra herbs, the spices, gems and stones? It is necessary to read Apollo's words in the prologue to book V as more than the usual literary tropes about garlands:

Hic michi florigeris ter cinxit tympora sertis:
 “Nunc magis ut deceat, hiis gemmas insero,” dixit,
 “Gemmas preclaris interpellabo lapillis:
 quantus splendor inest predictis, tanta potestas.
 Serta decora gerens pro sceptro dextra tenebit
 diuinias, quas vulgus habet nec iudicat, herbas.
 Que magis ut placeant, Orientis aromata iungam:
 talia sarta meis et talia sceptrum ministro”
 (lines 2334–41; ed. Rigg, pp. 279–80).

Apollo grants Henry, as ennobled Poet-Herbalist, two gifts: garlands and a sceptre made of plants. The floral garlands (“florigeris . . . sertis”) are bound about his head three times, presumably for his three finished poetic works, as related above. The garlands are decorated with gems, which are alternated with

Table 1: Structure of *Anglicanus ortus*

LOCATION	BOOK	CONTENTS	STRUCTURAL INDICATORS
Outside		Prose Prologue	Lays out a square garden with a theatre at the centre
Garden	Part 1 (I–IV)	100 herbs	
North Bed	Book I	I Prologue + 25 herbs	Markers at I.1, 11, 21, 25
East Bed	Book II	II Prologue + 25 herbs	Markers at II.6, 12, 21, 25
South Bed	Book III	III Prologue + 25 herbs	Markers at III.5, 21
West Bed	Book IV	IV Prologue + 25 herbs	Markers at IV.7, 13, 21, 25
Theatre	Part 2 (IV Ep. 1–2; V–VIII)	100 (?) herbs, spices, gems, and stones	
		IV Epilogue 1 + 2 herbs	Move to the central theatre, and Poet grows tired
		IV Epilogue 2	Apollo gave all these herbs
	Book V.1	V Prologue + 12 herbs	Announces 12 herbs, 12 spices, 12 gems, 12 stones; Apollo: “hiis gemmas insero”
	Book V.2	V Interlude + 6 vegetables by Cook	Poet completes 12 herbs, refers to previous 100, and Cook rebukes Poet
	Book VI.1	VI Prologue + 12 spices	V.1.1: “I will treat eastern spices.” V.1.12: Refers to “The book that contains 100 herbs.”
	Book VI.2	VI Interlude + 28 spices by Old Man	“I had finished.” Old Man rebukes Poet
		Epilogue to books I–VI	The garden contains 160 spices.
<i>Books VII–VIII (conjectural)</i>			
Theatre	Book VII	Prologue? + 12 gems	
		Transition + <i>Carbunculus</i>	Evax takes over from the Poet
		(?) more gems	Muse grows tired in last poem?
	Book VIII	Prologue? + 12 stones	Agate is “inserted third”
		Transition + 1 stone	Poet rebuked again?
		(?) more stones	
		Epilogue to books VII–VIII?	
Outside?		Epilogue to the entire <i>Anglicanus ortus</i> ?	

precious stones (“*gemmas preclaris interpellabo lapillis*”). Apollo says, “I insert gems in these [garlands],” and his use of *insero* here is important, a point to which I will return. In place of the typical sceptre (“*pro sceptro*”) to accompany the garlands, Henry holds “divine herbs” and “Eastern spices” (“*diunas . . . herbas, Orientis aromata*”). It is a rather laughable decoration, but Henry perhaps intended it that way.

The sceptre and garlands are not so much rewards for service done, as a further test of skill for Apollo’s chosen poet and herbalist. Henry is to relate the names and qualities of the twelve herbs and twelve spices that make up his sceptre, and the twelve gems and twelve stones that stud his floral crown. Lest the reader scoff that gems and stones are included in a medical work, Henry reminds him that they are not foreign to medicine (“*nec postrema duo medicamentis aliena / iudico, ni vatem Phebus deludit Apollo,*” lines 2332–33; ed. Rigg, 279). Henry draws a clear distinction here between *gemma* and *lapis* (or *lapillus*), a differentiation not made by Marbod,⁴³ which will be important in locating the thirty-five extant poems in books VII and VIII.

We know Henry’s plans for *De gemmis preciosis*, but we are foiled on two fronts: in the first place, it appears that the scribe of Digby 69 has done little to preserve the order and also seems to have cut lines and entire poems; in the second place, Henry himself would likely have added more poems beyond each set of twelve, since he played that same game in both books V and VI. He is bound to be interrupted yet again by one of the listening experts, and the fact that we have at hand thirty-five poems, rather than the twenty-four initially planned, supports this theory. So what do we have to work with to rebuild *De gemmis preciosis*? Henry’s immediate source for all but three of the poems is Marbod’s lapidary. Marbod treats sixty stones and, if Henry had wanted to rewrite all of Marbod’s poems (as he did with all of Macer’s herbal poems), we are thus lacking numerous entries from *De gemmis preciosis*. Until another exemplar is discovered, however, let us assume that this manuscript preserves all or most of the poems.

If we take clues from the structure of the previous books, we might be able to rebuild the work. First, it is probably safe to assume that we are missing prologues to these two books, since Henry included them in all six previous books; we are also apt to be missing one or more epilogues, to *De gemmis*

⁴³ Henry may have made this division based on Isidore’s description of gems and stones. Isidore says that it is translucency which distinguishes gems from stones: “*Gemmae vocatae quod instar gummi transluceant*” (*Etymologiae* 16.6, ed. Lindsay). In his ensuing discussion, however, he treats gems and stones together, rarely differentiating, and often duplicating the same item under both titles. His work thus cannot be usefully employed to help us figure out the order of Henry’s *De gemmis preciosis*.

preciosis and to the entire *Anglicanus ortus* (as shown on Table 1 above). Secondly, book V contains twelve poems on herbs by Henry and six on vegetables by the Cook. If books VII and VIII followed this pattern, we would need thirty-six poems ($12 + 6$ and $12 + 6$), and thus our manuscript is only one short. Book VI, however, does not follow the pattern set in V, and contains forty poems (twelve by Henry and twenty-eight more by the Old Man). Books VII and VIII, as a single unit, might imitate book VI and contain a total of forty poems ($12 + 8$ and $12 + 8$).

What do the poems themselves tell us? There is one line that provides solid evidence both that the books follow one of the aforementioned patterns and that the scribe has rearranged the poems and probably left some out. In poem 8 of the edition below (*De carbunculo*), which is mentioned above as providing evidence of Henry's style and authorship, we see the narration taken from the poet's control after twelve poems just as in books V and VI. Henry, as narrator, is taking a break from his recitation of gems to ask his learned audience, "Are there more?" One member of the audience, probably Evax, king of the Arabs (see n. 20 above), informs Henry that there are:

"Sunt," inquam "plures?" "Sunt," inquit. "Dic mihi quot sint,
magne uir, et quanti." Tunc crinibus ille reiectis
sedit et incepit. "Merito summus reputatur
gemmaque gemmarum carbunculus esse probatur.
Bis senas uendas predictas, non tamen huius
solius precium potes a cunctis adipisci. . . ."

This dashing figure, with long hair thrown back, takes over the performance from Henry. Though the placement of most of the poems remains unclear, we know this is the thirteenth poem in the book, as Evax dismisses the "previous twelve" ("Bis senas . . . predictas"). After this, Evax, following the pattern set by the Cook and Old Man, presumably relates six or eight poems of his own before book VIII begins.

Given that Henry also stated that he would relate the virtues of twelve stones (*lapilli*), we are probably also missing another interruption, followed by extra poems on stones, probably in the same number as those on gems. There is an important difference between this interruption and those found in earlier books: while those in books V and VI form separate poems (V Interlude and VI Interlude; ed. Rigg, 280–81 and 286–87), *De carbunculo* (with the switch from conversation to description occurring in the middle of line 3) must necessarily be counted not as a separate interlude but as part of a numbered gem poem. For this reason, I have not included separate interludes in Table 1 for books VII and VIII.

One more vital, yet infuriating, piece of evidence comes in poem 28 (*De achate*). We are told in the first line that “Agate’s sublime shape is inserted in the third place” (“Tercius inseritur forma sublimis Achates”). This is our only sign within the lapidary itself of Henry’s structural metaphor—the insertion of gems and stones into Henry’s garland. It is no verbal coincidence that this gem is inserted (“inseritur”) and that Apollo inserts (“insero”) gems into Henry’s floral crown, whose rich decorations and their qualities are being related to the audience in the theatre. Henry is reminding his audience—gods and mortal readers—of the structure intended for the lapidary. It is not clear, though, in which book Henry intended to place agate. He has separated the stones (*lapides*) from the gems, but we are not left with an indication of the difference.⁴⁴

The final clues to the poem’s structure come not from a medieval lapidary, but from the Bible, where we find that Henry was hardly the first to describe twelve gems being inserted into a framework, be it physical or literary. In Exodus the breastplate of Aaron is decorated with twelve precious stones,⁴⁵ and in the Apocalypse each of the twelve foundations of the celestial city is decorated with a different gem.⁴⁶ In a similar passage in Ezekiel, the prince of Tyre is scolded for his wickedness and reminded of the fall of man, who was crowned in Paradise with nine perfect gems.⁴⁷ Biblical allusions in Henry’s *Historia Anglorum* show him versed in every part of the Bible, and thus he would be familiar with these descriptions.⁴⁸ These biblical passages, particularly that in the Apocalypse, were commented upon numerous times by medieval authors before and after Henry. Prudentius, in his *Psychomachia*, describes a temple decorated with the twelve stones of the Apocalypse, though in a different order (see Table 2).⁴⁹ Peter Kitson has admirably demon-

⁴⁴ See n. 43 above.

⁴⁵ Ex 28:17–20: “Ponesque in eo quattuor ordines lapidum: in primo versu erit lapis sardius et topazius et smaragdus; in secundo carbunculus, sapphirus et iaspis; in tertio hyacinthus, achates et amethystus; in quarto chrysolithus, onychinus et beryllus. Inclusi auro erunt per ordines suos.”

⁴⁶ Apoc 21:19–20: “Fundamenta muri civitatis omni lapide pretioso ornata: fundamentum primum iaspis, secundus sapphirus, tertius chalcedonius, quartus smaragdus, quintus sardonyx, sextus sardinus, septimus chrysolithus, octavus beryllus, nonus topazius, decimus chrysoprasus, undecimus hyacinthus, duodecimus amethystus.”

⁴⁷ Ez 28:13: “. . . in deliciis paradisi Dei fuisti, omnis lapis pretiosus operimentum tuum: sardius, topazius et iaspis, chrysolithus et onyx et beryllus, sapphirus et carbunculus et smaragdus, aurum opus caelatura in te; in die, qua conditus es, praeparata sunt.”

⁴⁸ Cf. “Index of Quotations and Allusions,” in *HA*, 851–53.

⁴⁹ Prudentius, *Psychomachia* 851–67 (ed. Maurice P. Cunningham, CCL 126 [Turnhout, 1966], 179–80).

strated the flourishing English lapidary tradition;⁵⁰ among the numerous examples is Bede's commentary on the Apocalypse, which Henry may have known.⁵¹ Also popular was an early Hiberno-Latin lapidary, *De duodecim lapidibus*, used by and later attributed to Bede (see Table 2).⁵² Even more likely sources may come from closer to Henry's day: either the eleventh-century lapidary hymn *Cives celestis patrie*, often attributed to Marbod of Rennes, in which the author treats the stones of the Apocalypse and provides exegesis on

Table 2: Biblical and literary gemstones

Breastplate of Aaron, Ex 28	Gems of Paradise, Ez 28	Foundations of Heavenly City, Apoc 21
Sardius	Sardius	Iaspis
Topazius	Topazius	Sapphirus
Smaragdus	Iaspis	Chalcedonius
Carbunculus	Chrysolithus	Smaragdus
Sapphirus	Onyx	Sardonyx
Iaspis	Beryllus	Sardius
Hyacinthus	Sapphirus	Chrysolithus
Achates	Carbunculus	Beryllus
Amethystus	Smaragdus	Topazius
Chrysolithus		Chrysoprasus
Onychinus		Hyacinthus
Beryllus		Amethystus
Prudentius, <i>Psychomachia</i> 851–67	Pseudo-Bede, <i>De duodecim lapidibus</i>	Henry of Huntingdon, <i>De gemmis preciosis</i> 1–7
Chrysolitus	Chrysolithus	Sapphirus
Sapphirus	Sapphirus	Jaspis
Beryllus	Sardius	Smaragdus
Chalcedon	Asbestus	Jacinctus
Hyacinthus	Hyacinthus	Berillus
Sardonyx	Carbunculus	Amatistus
Amethystus	Cerdamios	Calcedonius
Iaspis	Chrysoprasus	
Sardius	Beryllus	
Topazon	Smaragdus	
Smaragdus	Sardonyx	
Chrysoprasus	Achates	

⁵⁰ Kitson, "Lapidary Traditions in Anglo-Saxon England."

⁵¹ PL 93:197–203. On Henry's knowledge of Bede, see *HA*, lxxxv–cvii.

⁵² PL 94:551–52; Kitson, "Lapidary Traditions in Anglo-Saxon England, Part I," 23.

their meaning,⁵³ or Hildebert of Lavardin's popular *De XII lapidibus et non-minibus filiorum Israel*, also based on the Apocalypse verses.⁵⁴

What can the biblical passages and commentaries tell us about Henry's poems? Until more concrete evidence turns up, I am positing that Henry used one of these sources, probably the passage from the Apocalypse and its commentaries, as the basis for his placement of the first twelve gems in book VII (though the content of each is drawn from Marbod). Since we know that the poem on carbuncle (8) is not in the first twelve, Henry probably did not use any of those lists that did include *carbunculus*: the breastplate of Aaron, the stones of the prince of Tyre, and the Pseudo-Bede lapidary. Henry's first seven poems in Digby 69, before carbuncle, bear closest resemblance to the Apocalypse list and to its many glosses and commentaries.

It is odd that we do not find in Henry's *De gemmis preciosis* five stones found in most of the antique and contemporary lapidaries: Chrysolithus, Chrysoprasus, Sardonyx, Sardius, and Topazius. Given the prominence of the twelve stones of the Apocalypse, and given that all of them are found in Marbod's *De lapidibus*, it does not seem likely that Henry would treat only seven of these stones, but rather that they have been cut by the compiler or scribe of Digby 69. If we can make the assumption that Henry did indeed devote poems to all twelve stones of the Apocalypse and that the scribe has omitted five of them, numerous pieces of the structural puzzle fall into place, all of which would appease Henry's obvious penchant for round numbers (25×4 , 12×4 , $12+6$, etc.). *De gemmis preciosis* would thus contain forty poems (the thirty-five extant + five missing stones of the Apocalypse), split into twenty *gemmae* and twenty *lapilli*. The entire work in eight books would contain 200 herbs, spices, vegetables, gems, and stones. Moreover, the poem would be divided evenly in half, with one hundred plants related during the garden walk (books I–IV) and one hundred plants and gems related within the theatre (IV Epilogue 1 and books V–VIII).

Some important inferences can be drawn concerning the structure from these few pieces of evidence, but they are still insufficient for determining an exact order. The information we do have to work with runs as follows: 1) poem 8 (*Carbunculus*) was the thirteenth poem in the first book of the lapidary (and book VII of *Anglicanus ortus*); 2) poem 28 (*Achates*) was placed third in one of the books, probably in book VIII; 3) poem 14 (*Margarita*) might have been placed at the end of a section, since in line 9 we hear that the Muse has become “inept,” that is, Henry is tired; 4) poems 1 and 2 (*Saphirus*

⁵³ Riddle included the hymn in his edition of Marbod's words, but a more thorough edition and gloss is provided by Kitson, “Lapidary Traditions in Anglo-Saxon England, Part II,” 109–23.

⁵⁴ Hildebertus, *Carmina minora* 42 (ed. A. B. Scott [Leipzig, 1969; Munich, 2001], 34).

and *Jaspis*) are probably in their correct position, at the very beginning, given how Henry refers to his authority Evax (as if he has just picked up a copy of Evax's mythical lapidary, and wants to acknowledge his authority).

Without further evidence it is best not to speculate on the exact order in each section. All I will venture to put forward at this point is the structure intended for the first part of book VII, that is, the initial dozen poems based on the stones of the Apocalypse (numbers in parentheses indicate the position in the manuscript, which does not include poems for the gems in brackets):

- (1) Saphirus
- (2) Jaspis
- (3) Smaragdus
 - [Sardonyx]
 - [Sardius]
 - [Chrysolitus]
 - [Topazius]
 - [Chrysoprasus]
- (4) Jacinctus
- (5) Berillus
- (6) Amatistus
- (7) Calcedonius

The remaining poems must have been distributed through the following sections in a fashion that is not yet clear; however, as suggested above, supplying the five missing stones of the Apocalypse to book VII allows the existing thirty-five poems to be placed more easily into two books of twenty poems.

DE GEMMIS PRECIOSIS: SOURCES AND COMPOSITIONAL METHOD

I would now like to examine Henry's treatment of his sources. As noted above, he drew primarily on Marbod of Rennes's *De lapidibus*, with additions from Constantine's *Liber de gradibus* and Isidore's *Etymologiae*. A complete study of Henry's compositional techniques in *De gemmis preciosis* is not possible at this point since, as is explained in the following section on the manuscript, we are lacking poems and probably portions of poems as well. Nevertheless, a brief comparison of Henry's poems with their sources reveals some of the ways Henry understood, reshaped, and reset his material.

As an example of a poem taken from Marbod's lapidary, I have chosen poem 20, on pyrite. It is one of the few instances in which Henry's poem is longer than its source, so in this case we can be rather sure that nothing is missing. Marbod's poem on pyrite is straightforward: he describes its fiery colour and the classic belief that it can burn a person holding it:

Marbod, *De lapidibus* 5 (*De pirite*), lines 680–83:

Cui fulvus color est cui nomen ab igne pirites
Se vetat astringi, pertractarique recusat.
Tangi vult leviter, pavidaque manu retineri,
Nam pressus nimium digitos stringentis adurit.

Henry, *De gemmis preciosis* 20:

Vim reserabo tuam. Vis est tibi magna, pirithes,
sicut Naso canit, “flammas imitante piropo,”
namque tibi nomen duplex ueteres tribuerunt.
Contentum digitis te constringi uetuerunt
nam constringentis digitos ut carbo peruris.
Flammeus ergo tuus color est ut flammea uirtus.

Henry, following Marbod, relays no new information, but does deliver it in a more creative fashion, apostrophizing the stone and quoting Ovid (*Naso*). He also adds a gloss to the quotation, explaining that *pirithes* had another name in antiquity, *piropus*.⁵⁵ The actors of the poems are different. In Marbod's poem, pyrite itself “forbids itself to be grasped tightly” (“Se vetat astringi”) whereas in Henry's poem it is the ancient sources (*ueteres*) who give warnings about pyrite's dangerous heat. Henry's treatment of Marbod's poems is very similar to his treatment of Macer's poems in books I–VI: finding synonyms, improving the metre by rearrangement, and adding the occasional classical reference.

Two poems are based solely on passages from Isidore of Seville's *Etymologiae*. As Henry was converting the lapidary information from prose, he presumably would have had to exercise his poetic faculties more in these cases than when rewriting Marbod's or Macer's poems. In the poem on Mica (33) Henry retains his usual manner of describing the stone as an object, rather than addressing it directly as in the previous example on pyrite. He repeats most of Isidore's information, though in a spare and abbreviated fashion:

Isidore, *Etymologiae* 16.4.37:

Specularis lapis vocatus est quod vitri more transluceat; repertus primum in Hispania citeriori circa Segobricam urbem. Invenitur enim sub terra et effosus exciditur atque finditur in quamlibet tenues crustas.

Henry, *De gemmis preciosis* 33 (*De speculare*):

Necnon et lapidem dant Hispani specularem.
ut uitrum renitet speculisque datur specularis.

⁵⁵ This is possibly a reference to Isidore's entry on pyrite, *Etymologiae* 16.20.6, where he says of the stone “flammasque imitatur, unde et pyropum dicitur.”

Henry's final source was Constantine the African's *Liber de gradibus*.⁵⁶ The use of a Salernitan medical work in early twelfth-century England is noteworthy, showing how Constantine's works had spread throughout Europe even farther than previously assumed, while also showing that Henry was more a part of pan-European intellectual trends than was evident from only his *Historia Anglorum*.⁵⁷ Constantine's work is used for only one poem in *De*

⁵⁶ Constantine's *Liber de gradibus* (also called the *Liber graduum* or *De simplici medicina*) is, in some manuscripts, included as part of his translation of the medical textbook *Pantegni* of 'Alī ibn al-'Abbās al-Mağūsī, i.e., as the second half of the second book (sometimes the third book) of the *Practica* portion of the work. It was first printed in the works of Isaac the Jew, *Opera omnia Ysaac* (Lyons, 1515), 2:78r–86r. It also seems to have circulated as an independent work, with small changes, titled "Liber de gradibus simplicium", and was printed as such in *Constantini Africani . . . Opera* (Basel, 1536), 2:342–87. The latter edition is considered by most scholars to be inferior to the *editio princeps*, yet the difference between the two versions of the *Liber de gradibus* and their placement within Constantine's collected works is not fully understood. On this issue, see the essays in *Constantine the African and 'Alī ibn al-'Abbās al-Mağūsī*, ed. Charles Burnett and Danielle Jacquart (Leiden, 1994), especially the essays by Mary Wack, "'Alī ibn al-'Abbās al-Mağūsī and Constantine on Love, and the Evolution of the *Practica Pantegni*," 161–202, and Mark Jordan, "The Fortune of Constantine's *Pantegni*," 286–302. Wack argues that the *Practica* of Constantine's *Pantegni* circulated originally only with books 1, 2, and 9 as they are found in the Lyons edition of 1515; Jordan has pointed out that both printed editions do not actually represent any of the multiple manuscript traditions, but rather are littered with the humanist printers' so-called corrections and interpolations. To complicate matters, the two editions are in different orders: the one in *Opera omnia Ysaac* is organized into the four Galenic grades, and the items in each of the grades are then alphabetized; the one in the Basel edition of 1536 is also organized by grades, but within each grade there is no clear logic to the organization. Since there is no modern edition, I will refer to both of the humanist versions of the *Liber de gradibus*. (Wack, in the essay cited above, used Paris, Bibliothèque nationale de France lat. 6886 as a base manuscript; see 171 and 176 n. 28.)

On Constantine himself, see Michael McVaugh, "Constantine the African," *Dictionary of Scientific Biography* (New York, 1971), 3:393–5; and Herbert Bloch, *Monte Cassino in the Middle Ages*, 3 vols. (Rome, 1986), 1:98–110, 127–34, and 2:1098–1102. On Constantine and the *Pantegni*, see *Constantine the African and 'Alī ibn al-'Abbās al-Mağūsī*, cited above; Danielle Jacquart, *La science médicale occidentale entre deux renaissances (XII^e–XV^e s.)* (Aldershot, 1997); and *La médecine arabe et l'Occident médiéval* (Paris, 1990); and Raphaela Veit, *Das Buch der Fieber des Isaac Israeli und seine Bedeutung im lateinischen Westen* (Wiesbaden, 2003), 32–60.

⁵⁷ Henry's use of Constantine the African places him in the vanguard of European intellectual medicine, that is, in the adoption of Galenic theories through Salernitan translations. Yet he was not the first, so his use of part of the *Pantegni* should not be too surprising. Adelard of Bath may have used it for his *De eodem et diverso* and *Quaestiones naturales* (see Brian Lawn, *The Salernitan Questions: An Introduction to the History of Medieval and Renaissance Problem Learning* [Oxford, 1963], 20–23); Hugh of Saint-Victor used it in his *Didascalicon* (Danielle Jacquart, "The Introduction of Arabic Medicine into the West: The Question of Etiology," in *Health, Disease and Healing in Medieval Culture*, ed. Sheila Campbell, Bert Hall, David Klausner [New York, 1992], 186–95); William of Conches used it in the 1130s for his *Glosae super Platonem*, ed. Édouard Jeauneau (Paris, 1965); and twelfth-century manuscripts of the

gemmae preciosissimae (18, *De corallo*) yet its application here should not be surprising, as Henry used Constantine for nearly every spice in book VI, part 2, that is, the section given in the voice of the Old Man.⁵⁸

Poem 18, *De corallo*, is the best example of Henry's ability to integrate material from separate sources: half of the poem is from Constantine and half is from Marbod. From Constantine we receive material of a purely medical nature, and from Marbod we receive coral's uses as a magical or apotropaic talisman. Henry has condensed the information from each source, including only the heart of the cure. Whereas Constantine requires "burnt coral, mixed with gum, and drunk with cold water" in order to "restrain an effusion of blood," Henry asks merely for coral.

Constantine, *Liber de gradibus (Corallus)*:⁵⁹

Corallus frigidus et siccus in secundo gradu. Oculorum dolores, obscuritates, pannos, et putrefactiones si in collyriis ponatur, curat. Puluerizatus dentes ex eo fricatos clarificat, gingiuas putridas sanat. Vnde Galenus: Corallus, inquit, ustus, gummaeque mixtus, et cum aqua frigida potatus, sanguinis fluxum undecunque sit restringit, stomachum confortat. Item Galenus dixit se probasse corallum suspensum in collo habentis dolorem in ore stomachi, eum sanasse.

Henry, *De gemmis preciosissimae* 18.1–6:

Corallus mire prodest, nam lumina mundat,
clarificat, pannos aufert, recreat putrefacta.
Puluis gingiuas reparat dentesque decorat
inque loco Galienus ait quocumque cruento
stringere corallum; stomachum corroborat atque
collo suspensus stomachi iuuat ore dolentem.

Pantegni survive from all parts of Europe (see Mark D. Jordan, "The Construction of a Philosophical Medicine: Exegesis and Argument in Salernitan Teaching on the Soul," *Osiris*, 2d ser., 6 [1990]: 42–61). For the introduction of Galenism in general, cf. Owsei Temkin, *Galenism: Rise and Decline of a Medical Philosophy* (Ithaca, 1973); Danielle Jacquart, "Aristotelian Thought in Salerno," in *A History of Twelfth-Century Western Philosophy*, ed. Peter Dronke (Cambridge, 1988), 407–28; and the essays of Luis García-Ballester in *Galen and Galenism: Theory and Medical Practice from Antiquity to the European Renaissance*, ed. Jon Arrizabalaga et al. (Aldershot, 2002), especially VII, "The Construction of a New Form of Learning and Practicing Medicine in Medieval Latin Europe" (from *Science in Context* 8 [1995]: 75–102).

⁵⁸ Of poems VI.2.1–28, every single one is based on Constantine's *Liber de gradibus* except VI.2.15 (*Thus*, based on Macer, lines 2204–32). This not only suggests that Henry used Constantine for *De corallo* but also suggests that the Old Man of book VI could be Constantine, or whoever Henry regarded as the author of the *Liber de gradibus*.

⁵⁹ Constantini Africani . . . *Opera* 2:354. My reason for using the Basel edition here is that it has "restringit" where the Lyons edition has "arcet" (*Opera omnia Ysaac* 2:80v). Henry's "stringere" could well have been taken from a manuscript closer in pedigree to the Basel edition.

Marbod, *De lapidibus* 5 (*De corallo* excerpt), lines 320–29:

Ipsius est, ut ait Zoroastes, mira potestas;
 Et sicut scribit Metrodorus optimus auctor,
 Fulmina, typhonas, tempestatesque repellit.
 A rare vel tecto, vel agro, quocunque geratur.
 Ast in vinetis aspersus, et inter olivas,
 Aut a ruricolis cum semine iactus in argis,
 Grandinis avertit calamis contraria tela,
 Multiplicans fructus, ut fertilitate redundant.
 Umbras demonicas, et Thessala monstra repellit.
 Introitus praestat faciles, finesque secundos.

Henry, *De gemmis preciosis* 18.7–13:

Et sicut scribunt Metodorus et Zeroastes
 hic tempestates et fulmina rite repellit
 si corallus aquis fertur domibusue uel agris.
 At in oliuetis uel uinetis uel in agris
 hoc semen iactum diuertit grandinis ictus.
 Fructus multiplicat, fantasma quoque repellit,
 prestat et introitus faciles si creditur illis.

THE MANUSCRIPT

Henry of Huntingdon's verse lapidary is found in the third manuscript described above, Oxford, Bodleian Library, Digby 69, fols. 192v–195r. The poems of the lapidary are grouped with sixteen poems taken from books V and VI of the herbal (as defined by Rigg), in the same hand and without any break except a note in the margin: "Incipit Liber de Gemmis Preciosis." The cataloguer describes all of these poems simply as "Poema de variis herbis gemmis, etc."⁶⁰ The collection was noted, but not investigated further, by Walther⁶¹ and Thorndike and Kibre.⁶² The poems are the eighteenth item of twenty-four in an extensive medical collection dated to the late thirteenth or early fourteenth century. Most of the texts are by the same scribe, though apparently collected over a long period of time, perhaps his entire adult life. We do not know the original compiler, but William Marshal, a fellow of Merton

⁶⁰ Macray, *Catalogi codicum manuscriptorum Bibliothecae Bodleiana pars nonam*, no. 69, item 18.

⁶¹ H. Walther, *Initia carminum ac versuum medii aevi posterioris Latinorum* (Göttingen, 1959), no. 1322: "Antidotumque salubre."

⁶² L. Thorndike and P. Kibre, *A Catalogue of Incipits of Medieval Scientific Writings in Latin*, rev. ed. (Cambridge, Mass., 1963), no. 1810.

College, owned the manuscript in the sixteenth century. Thomas Allen owned it later and then Kenelm Digby himself, from Allen's bequest. The recent annotators of the Digby catalogue have much to say about this manuscript, and the reader is referred to their commentary for further information.⁶³ They had nothing to add, however, about these poems. The only part of this manuscript edited so far is a set of Old French charms and recipes found on fols. 175–181 by Tony Hunt in 1990.⁶⁴

The compiler had a keen interest in herbal material. He included a complete copy of Macer's herbal (fols. 66r–84v) with English glosses and several notes specifically on herbs (fols. 3v–6v, 31–61, 92–94, 116–124, 214–220v), not to mention numerous recipes and medical comments scattered throughout the codex. It is plausible that the compiler wanted to provide useful additions to his version of Macer and copied only those poems from Henry's work that he deemed useful. For example, the manuscript contains before *De gemmis preciosis* portions of poems scattered throughout Henry's book V and the end of book VI, in a manner which suggests selection from a larger collection.⁶⁵ The compiler has cut from these herbal poems any portions which were not clearly of a medical nature; thus in the Digby 69 copies of poems V.2.5 (parsley) and V.2.6 (garlic), which were written in the impetuous voice of the Cook, any lines indicating a conversation between Henry and the Cook have been cut. The compiler may have applied the same logic to his transcription of *De gemmis preciosis*: any poems or lines not clearly appropriate for his serious medical collection were omitted, such as the prologues, interludes and epilogues we would expect from a book by Henry of Huntingdon. Perhaps the five poems on the stones of the Apocalypse, which I have theorized to be missing, were more religious or exegetical in nature and did not contain enough medical material to merit inclusion in this collection. There may also be lines missing from some poems; poems 32 (two lines) and 33 (three lines) are so short that it is difficult to believe Henry did not write more. Whatever the

⁶³ R. W. Hunt and A. G. Watson, *Bodleian Library Quarto Catalogues IX. Digby Manuscripts*. 2, 36–38 and 185, item 32.

⁶⁴ Tony Hunt, "The Collection of Medical Receipts in MS Oxford, Bodleian Library Digby 69," in *Popular Medicine in Thirteenth-Century England* (Cambridge, 1990), 311–24.

⁶⁵ It is not clear why Digby 69 includes this selection of Henry's poems from books V and VI, and usually partial at that, namely, V.1.1 (*Plantago*), V.1.2 (*Urtica*), V.1.12 (*Lappa*), V.2.3 (*Caulis*), V.1.9 (*Cynoglossa*), more of V.2.3, V.2.5 (*Petroselinum* [2]), V.2.6 (*Allium*), VI.2.16 (*Squilla*, added to *Allium* without a title), V.2.2 (*Porrum*), VI.2.18 (*Dragagantus*), VI.2.20 (*Amoniacum*), VI.2.21 (*Bdellium*), VI.2.23 (*Camfora*), VI.2.24 (*Nux muscata*), VI.2.25 (*Nitrum*), VI.2.26 (*Thimus*). There is no indication of missing or rearranged folios in Digby 69, so this must be the order in which they were copied. The order suggests that the compiler either had an incomplete manuscript of part 2 of *Anglicanus ortus* or, what I think more likely, he was selectively choosing according to his own needs.

compiler's motives, the selections suggest that, if he was not copying from someone else's set of excerpts, he had on hand part 2—that is, books V–VIII—of Henry's *Anglicanus ortus*.

DE GEMMIS PRECIOSIS OF HENRY OF HUNTINGDON:
EDITION AND COMMENTARY

I have preserved the order of the poems as they appear in the manuscript, even though it was probably not Henry's intended arrangement, as I have explained. The manuscript is identified in the apparatus as *D* (=Oxford, Bodleian Library Digby 69, fols. 192v–195r). The place of each poem on the folio is given to the right. The entry for each poem gives a tentative identification, most of which come from John Riddle's edition of Marbod's *De lapidibus*, followed by the title given in the manuscript. The sources are given below each poem, with any necessary commentary. The following sources are abbreviated in the apparatus:

DMLBS: *Dictionary of Medieval Latin from British Sources*, vols. A–O, ed. D. R. Howlett (London, 1975–).

Isidore: Isidore of Seville, *Etymologiarum sive originum libri XX*, ed. W. M. Lindsay (Oxford, 1911).

Marbod: Marbod of Rennes, *De lapidibus*, ed. John Riddle, *Marbode of Rennes' (1035–1123) "De lapidibus"* (Wiesbaden, 1977).

RMLWL: R. E. Latham. *Revised Medieval Latin Word-List from British and Irish Sources with Supplement* (London, 1980).

Incipit Liber de Gemmis Preciosis

192vb

1. *Lapis Lazuli*. De Saphiro.

Mitigat ardorem, refrigeridat interiorem,
stringit sudorem nimium seruatque uigorem.
Tollit pruritus oculis, si sit bene tritus
lacteque conditus mulieris sicque linitus.
5 Sicque tumescenti lingue frontemque dolenti
et fragili denti ualet et uulnus pacienti.
Preterea (nisi rex Euax fallatia scribit)
portantem uegetat, conseruans integra membra;
inuidiam uitat portans, nec fraude nocetur.
10 Afferit hanc Euax educere carcere uinctos,
obstrusare fores et soluere uincula tactu,
et placare Deum pacemque reconciliare.

1 refrigeridat] refrigeridans *D* 12 et *conieci*

Sapphirus is not our modern sapphire (for which, see poem 4, *De jacinto*) but the opaque lapis lazuli (Riddle, *Marbode*, 41). Based on Marbod 5 (*De sapphiro*), lines 103–28. Line 6 comes from another source, and line 7 is original to Henry. At the base of fol. 192v, below line 6 of this poem, is written a corresponding note: “Saphyrus aliquando nigrescit. Tunc ponatur iuxta eum cristallus, et recuperabit colorem. Idem contingit de cristallo. Tunc fiat de illo sicut de saphyro.” This information is not found in Marbod’s poem and does not seem to be drawn from Henry’s work.

4 Marbod calls only for *lac* (line 125), not *lac mulieris*.

5 “frontemque dolenti”: “frontem” is acting as accusative of respect, whereas in 18.6, “dolentem” takes the ablative “ore.”

7, 10 See p. 60 on Evax.

9 “nocetur”: this non-classical use of *noceo* as a transitive verb is also found in Marbod’s version, line 114: “Et qui portat eum nequit ulla fraude noceri.”

11 “obstrusare”: apparently a frequentative of *obstrudo*, “to throw open the doors (violently).” It may also be based on a variant reading from Marbod’s poem, where some manuscripts read “obstrusasque” for “obstructasque”; see the version in PL 171:1744A, no. 5, line 15 (corresponding to line 117 in Riddle’s edition).

12 The beginning of the line is unreadable in the gutter of the manuscript. As there is only room for one short syllable, “et” seems most likely.

2. *Jasper*. De Jaspide.

Optimus est jaspis qui translucetque uiretque
in medicamentis idem solet aprior esse.

Naso manantem stringit deletque cruem.
 Appositus iuuat ydriopicos febribusque repugnat;
 exymie prodest mulieri parturienti.
 Hunc Euax tutamentum putat esse ferenti;
 gratificat consecratus redditque potentem.
 Jaspidis expellit fantasmata noxia uirtus.
 Huius splendifico uirtus est fortis in auro,
 10 sed dicit quod in argento robustior extat.

6 Hunc] Hanc D

Based on Marbod 4 (*De jaspide*), lines 92–102. Line 3 and the mention of gold in line 9 are not found in Marbod.

9–10 The precious metals referred to are presumably for rings or amulets.

10 “dicit”: Marbod (as Evax) says this (line 102).

3. *Emerald. De Smaragdo.*

Dum gladiatorium spectaret prelia Nero,
 his utebatur speculis mirante theatro.
 Smaragdi species dicunt quidam duodenas:
 sunt Scitici, sunt Bractanni calcedoniique;
 5 sunt et Niliaci, sunt qui nascuntur in ere,
 quos uenis captos Natura notat maculosos.
 Sunt species alie, quas est labor enumerare.
 Smaragdis aliis Sciticis peribent meliores:
 hos grifes seruant, tamen eripiunt Arimaspi.
 10 Quo ualeat, nam multa ualet, breuibus reserabo.
 Lumina conspectu solo caligine purgat;
 hanc digito portans prolem generat speciosam.
 Commodus hic lapis est his, qui prescire futura
 temptantes responsa sibi diuina requirunt.
 15 Auget opes smaragdus eum reuerenter habenti:
 tanta dat in causis et persuasoria uerba.

8 meliores] meliorare D 9 Arimaspi] Armaspi D

Based on Marbod 7 (*De smaragdo*), lines 134–60. Lines 11–12 are not found in Marbod.

4 “Bractanni”: Bactrian.

4. *Sapphire*. De Jacincto.

Iacincti species et laus summe reputantur.
 Huic sunt tres species uarioque colore probantur:
 granati, ueneti, citrini. Laudis honore
 5 precellit uenetus similisque colore saphiro
 cernitur, at longe iacinctus clarius extat.
 Quanto clarius est, tanto preciosior extat.
 Inferior dictis, citrinus pallet ut amnis.
 Portatur digito uel collo; quilibet horum
 confortatius uirtutis dicitur esse:
 10 tristiciam delere solet uariosque tumores. 193rb
 Securum reddit, regionum pestibus obstat,
 hospitibus gratum, condignum reddit honore
 iusta poscenti solet extirpare repulsam.
 Se gens Ethiopum iacinctum mittere iactant.

2 tres] .iii. D 7 Inferior] Inferio D

Based on Marbod 14 (*De iacinto*), lines 214–34.

14 “gens . . . iactant”: *gens* is treated as a plural subject.

5. *Beryl*. De Berillo.

Isidorus uirides inter gemmas numerauit
 berillum. Viror est pallens similisque uidetur
 qui lautissimus est oleo limpheque marine.
 Illi namque nouem species tribuere periti:
 5 sunt hebetes nisi det claros sexangula forma
 India quos felix sic mittit rite politos.
 Luminibus lapis hic, in qua iacet unda, medetur,
 que, si potetur, delet suspiria, ructus
 et morbos epatis solet adnichilare dolentis.
 10 Coniugii sanctum seruare refertur amorem
 et se gestanti conferre putatur honorem
 et dextram ualide se constringentis adurit.

8 ructus] luctus D

Based on Marbod 12 (*De berillo*), lines 193–204. Lines 1–2 are based on Isidore 16.7.5

1–2 Isidore does not appear in Marbod's poem on beryl. Henry apparently had a copy of

Isidore directly at hand; beryl is treated in Isidore's section "De viridioribus gemmis" (16.7).

3 "oleo": presumably the pale green of olive oil is intended.

8 The emendation to "ructus" is based on Marbod, line 202, "ructatus simul et spiraria."

12 "constringentis": the sense of constringere here seems to be "to grasp tightly." It could also refer to the act of "trapping" the stone in a ring or other setting. Cf. "constringentis . . . peruris" in 20.5.

6. *Amethyst*. De Amatisto.

Quinas dant species amatisto sapientes;
optimus est uino similis rosuleque nitenti.
Post hunc purpureus uioleque simillimus extat;
ultimus est qui marcidus est, et uergit in album,
5 sicut aque mixtum solet euanescere uinum.
India mittit eum magna uirtute choruscum,
nam feruescentem presens fugat ebrietatem
et facilis uarias recipit sculpando figuras.

Based on Marbod 16 (*De ametisto*), lines 240–48.

7. *White Quartz*. De Calcedonio.

Est calcedonii pallens color est et hebescens,
inter iacinctum uel berillum mediatus;
tres tantum species dat ei studiosa uetustas.
Pertusum digito colloue gerens superabit
5 causas, ut credunt, quibus experientia suasit.
Bis tamen hic non contingit: si gestet uterque
ipsum causidicus uel si munitur eodem,
rem nimis iniustam nimis affirmabit aperte.

Based on Marbod 6 (*De calcedonio*), lines 129–33. Lines 6–8 are original to Henry and witness some of his clever skepticism; if each lawyer at court carries *calcedonius*, which one should be helped by the gem's powers?

8. *Ruby*. De Carbunculo. Transitio.

"Sunt," inquam "plures?" "Sunt," inquit. "Dic mihi quot sint,
magne uir, et quanti." Tunc crinibus ille reiectis
sedit et incepit: "Merito summus reputatur
gemmaque gemmarum carbunculus esse probatur.
5 Bis senas uendas predictas, non tamen huius

⁵ uendas] uenderes D

solius precium potes a cunctis adipisci.
 Nomen habet dignum quoniam, cum sol orizonta
 tristiciam delere solet uariosque tumores. 193va
 dans tenebris lucem, noctis laudabile sidus.
 10 Ut solet hic tenebris oculos deducere carnis
 sic presens acuit discenti lumina mentis.”

Based on Marbod 23 (*De carbunculo*), lines 341–48. *Carbunculus* could be any one of numerous translucent red stones (Riddle, *Marbode*, 61). Many of the Middle English lapidaries translate *carbunculus* as “Rubie”; see Joan Evans and Mary S. Serjeantson, *English Mediaeval Lapidaries*, Early English Text Society 190 (London, 1933). This poem shows the most originality of all those in the collection; only lines 7–9 can be traced to Marbod’s poem. The title in the manuscript is followed by the word *Transitio*. This provides an indication of Henry’s original outline for *De gemmis preciosis* and may also show that the compiler was aware of this order, yet decided to ignore it. For more on this poem see the introduction above.

2 “ille”: probably Evax, king of the Arabs, whose work Marbod purports to be rewriting. See p. 60 above on his role in the poem.

5 “Bis senas”: i.e., the first twelve poems of the lapidary. See p. 60 above on the significance of this passage.

uendas: the original reading, “uenderes,” works grammatically but does not scan.

10–11 Henry, writing as Evax, juxtaposes the “eyes of the flesh” with the “eyes of the mind,” both of which are aided by *carbunculus*.

9. *Bloodstone*. De Eliotropia.

Cum numerari uolunt miracula maxima mundi,
 nobilis in primis solet eliotropia poni.
 Nec mirum, si mira potest contrita Lieo
 potaque uirus atrox reprimit fluxumque cruoris.
 5 Gratificat baiulos, et fame dotibus ornat.
 Scribunt nonnulli quod donet uaticinari
 et quod producat uitalis tempora mete.
 Incolumes hylaresque parat fraudemque cauentes.
 Huic datur et maior diuino munere uirtus:
 10 illi consocians eiusdem nominis herbam,
 gramina quam scribens subieci petrosilino,
 qui portarit eam, tribuet non posse uideri.
 Hanc quasi smaragdum uiridem rubeisque decoram
 guttis Ethiopes et Ciprus et Affrica gignunt.

1 numerari] numerare D 13 smaragdum] smaragdus D

Based on Marbod 29 (*De eliotropia*), lines 420–40. Lines 1–2 and 11 are original to Henry

and 3–4 seem to come from another source. For an excellent review of both the stone and plant named *eliotropia*, see Michael Papio, “Editor’s Notes,” *Heliotropia* 1.1 (2003), found at <http://www.heliotropia.org>.

3 “Nec . . . potest”: the same phrase is used below in 10.1, and a similar one in Henry’s poem VI.2.1 (*Balsamum*), line 3116: “Nec mirum, si tanta potest. . .”

10–11 *Eliotropia* is also a plant (pot marigold, *calendula*). Henry, in the book I of *De herbis*, places his poem on *solsequium*, also called *elitropia [sic]*, I.22, immediately after his poem on parsley (I.21, *petroselinum*). For more on these lines, see p. 48 above.

12 The mixture of *bloodstone* and *calendula* makes one invisible.

10. *Selenite*. De Silenite.

Nec mirum, si mira potest; hec officiosa
scribitur a multis ad amorem conciliandum.
Commoda portanti parat effectusque secundos:
auertit clades et congerit utilitates,
5 dum Phebe crescit, sed nec, cum fit minor, ipsa
effectu caret egregio, sed non tamen equo.
Mittitur a Persis sanctissima gemma beatis.

5 Phebe] febe corr. e febre D

Based on Marbod 26 (*De silenite*), lines 383–94. Selenite is gypsum in transparent crystal form (Riddle, *Marbode*, 64). It is also called “moon-stone” and is named for Selene since, as Henry describes, its power waxes and wanes with the moon.

3 “Nec . . . potest”: the same phrase is used below in 10.1, and a similar one in Henry’s poem VI.2.1 (*Balsamum*), line 3116: “Nec mirum, si tanta potest. . .”

5–6 Henry has modified his source at this point. Marbod says that *silenes* gains power with the moon’s waxing and loses power with its waning: “Crescit enim luna crescente minorque minuta / Efficitur, tanquam coelestibus anxia dampnis” (lines 386–87). Henry stresses, however, that the stone does not lose all or even most of its power, but is only slightly weakened.

11. *Pyrite* (1). De Epistite.

Nec tonitus nec turbo nocet quos protegit iste.
Seruat et incolumes et sedat seditiones,
sed qua gestatur cor, illa parte feratur.
Mittitur a bimari Corintho, carior auro.

3 qua] quo D

Based on Marbod 31 (*De epistite*), lines 453–66. There is probably no difference between this pyrite and the pyrite in poem 20, other than colour or shape.

4 “auro”: this may be an error or exaggeration on Henry’s part, as Marbod gives bronze instead: “pretiosior aere” (line 453).

“bimari Corintho”: Ovid, *Metamorphoses* 5.407; Horace, *Carmina* 1.7.2

12. *Crystal*. De Cristallo.

Hunc quidam cum melle terunt tritumque propinant,
crescat ut hoc potu nutrici copia lactis,
nam nichil est eque quod lac queat accumulare.
Hic solet in multis generari partibus orbis.

3 accumulare] accumlare *D*

Based on Marbod 41 (*De cristallo*), lines 550–61.

13. *Meteorite*. De Ceraunio.

Et quia fulminis est cognatus, non ferietur
fulmine qui gerit hunc, et eo nauis, domus, aruum
fulmine tutantur nec turbine concutientur.
Ad causas et bella ualeat, si creditur Euax.
Efficit et sompnos dulces et sompnia leta.

5

193vb

Based on Marbod 28 (*De ceraunio*), lines 401–19. For an extensive review of this stone’s literary history, see Penelope B. R. Doob, “Chaucer’s ‘corones tweyne’ and the Lapidaries,” *The Chaucer Review* 7.2 (1973): 85–96.

14. *Pearl*. De Margarita.

Hec est preda maris, conchis nutrita marinis.
Preterea dignum, quia tollitur unus ab una,
“unio” nomen habet. Celesti rore creatur,
cum scalas aperit tepefacto concha sereno.
India mittit eam uel nostra Britannia tantum.
Antidotum quo non aliud preciosius unquam,
conficiunt medici “diamargariton” ab illa
quod, quia Musa nequid, presens tibi glosa docebit:
nam linquens incepta fugam de legit inepta.

5

3 creatur] creatus *D* 8 decebit] decebit *D*

Based on Marbod 50 (*De unione sive margaritis*), lines 627–47. Lines 6–9 are original to

Henry. The last lines have a finality to them (i.e., the Muse has gone silent) which suggests that this poem ends a section or may have been the final poem in book VII (see Table 1 on p. 58).

4 “scalas”: here, not steps, but shells (RMLWL).

5 “nostra Britannia”: Marbod does say that pearls come from Britain (line 647), but the “nostra” is a key piece of evidence indicating Henry’s authorship.

7 “diamargariton”: a compound made of pearls (*margaritae*). Henry also names this compound in poem V.2.5, his second on parsley (*Petroselinum*), line 2758.

15. *Gizzard Stone*. De Allectorio.

Est allectorius lapis egregius, lapis albus.
 Ventriculo galli spadonis, cum tribus annis
 uixerit, exoritur. Post crescens quatuor annis
 perficitur maiorque faba nunquam reperitur.
 5 Ergo sitim reprimit sitientis in ore receptus.
 Scripserunt multi quod se lapis iste gerentem
 uictorem faciat. Sic multi prelia reges,
 sic Milo Crotonias pugiles multos superauit.
 Conseruat ueteres, inceptos auget, honores,
 10 perdata restituit, sponsi spouse dat amorem.
 Ista dat iste lapis si clausus in ore feratur.
 Limpidus est ut cristallus uel limpha serenans.

1 albus] albet D

Allectorius is a magical stone taken from the gizzard of cock castrated at three years. Based on Marbod 3 (*De alectorio*), lines 74–91.

8 Milo of Croton was a celebrated athlete and pugilist.

16. *Tortoise-Stone*. De Chelonite.

Hunc qui sub lingua gestauerit ore lauato,
 ethera dum scandit Phebus, dum Cinthia crescit,
 sic prescire putant et diuinare futura.
 Et quo mireris, tactum non afficit ignis.

Based on Marbod 39 (*De chelonite*), lines 533–44, though Henry has added the gods.

2 “Cinthia”: Cynthia is an epithet for Diana (the moon), sister of Phoebe (the sun).

17 . *Dragon-Stone*. De Dracontide.

Et dracontidem scimus nutrire draconem,
 eius enim cerebro magicis concentibus, ipso

sopito, rapitur. Nam uiuo ni raperetur,
ut docti perhibent, non ingemnescere posset.
Hic candet splendetque nimis tantoque decor
precipue reges Orientis glorificantur,
presertim cum sit gestanti gemma salubris.

4 ingemmescere] ingemiscere *D*

A mythical stone extracted from a dragon's head. Based on Isidore 16.14.7, "Dracontites ex cerebro draconis. . ."

² “magicis concentibus”: “by means of magical enchantments.” Henry has expanded on the lines in Isidore, who says simply that magi cut it from a sleeping dragon.

⁴ The emended reading *ingemmescere* ("to attain the status of a gem") is based on Isidore's "ingemmescit." The scribe read this as *ingemiscere* (to sigh).

18. *Coral*. De Corallo.

Corallus mire prodest, nam lumina mundat,
clarificat, pannos aufert, recreat putrefacta.
Puluis gingiuas reparat dentesque decorat
inque loco Galienus ait quocumque cruorem
stringere corallum; stomachum corroborat atque
collo suspensus stomachi iuuat ore dolentem.
Et sicut scribunt Metodorus et Zeroastes,
hic tempestates et fulmina rite repellit,
si corallus aquis fertur domibusue uel agris.
At in oliuetis uel uinetis uel in agris
hoc semen iactum deuertit grandinis ictus.
Fructus multiplicat, fantasmata queque repellit,
prestat et introitus faciles, si creditur illis.

11 iactum] iactus *D* deuertit] diuertit *D* 13 introitus] interitus *D*

Lines 1–6 are based on Constantine’s *Corallus* in the *Liber de gradibus simplicium* (*Constantini Africani . . . Opera* [Basel, 1536], 2:354; and *Opera omnia Ysaac* [Lyons, 1515], 80v). Lines 7–13 are based on a small portion of Marbod 20 (*De corallo*), lines 312–29. For more on this poem, see pp. 67–68 above.

² “pannos”: cloudy films over the eyes (see “pannus,” RMLWL). All the verbs in lines 1–2 refer back to “lumina.”

⁷ “Metodorus et Zeroastes”: Metrodorus and Zoroaster. Henry learned of them from Marbod (lines 320–21), who in turn borrowed from Solinus (cf. Riddle, *Marbode*, 109).

¹³ For the emendation, see Marbod, line 329: "Introitus praestat faciles, finesque secundos."

19. *Swallow-Stone*. De Celidonio.

Ac modicum fulgoris habet celidonius; ipsum
 gignit hirundo gerens †equandum† uentre †supprimus.†
 Sunt bine species, nam purpureus nitet unus,
 alter uero niger. Vires utriusque canemus:
 5 cedit purpureo lunatica passio, cedunt
 tam frenesis demens quam languores diuturni;
 facundos gratosque parat chelaque sinistra
 in lini panno debes gestare uolutum;
 atque niger latus suscepta negotia uincit
 10 obtundensque minas dominorum mitigat iras.
 Sic quoque gestatus febris contagia delet
 sicque simul nocuis humoribus omnibus obstat
 et limpha lotus tumidis medicatur ocellis.

1 fulgoris habet] habet fulgoris *D* 2 hirundo] harundo *D* 10 obtundensque] obtun-
 deresque *D* 13 tumidis] timidis *D*

Based on Marbod 17 (*De chelidonio*), lines 249–67.

2 Something is wrong with this line. The sense of “equandum” is not clear, though it must refer to the stone, and “supprimus” is nonsense. Marbod’s original reads as follows: “At chelidonius lapis est, quem gignit hirundo, / Ventre gerens pretium quo digna sit ipsa necari” (lines 249–50). As Henry’s passage stands, we are missing a reference to the stone’s deadliness for the swallow, a point he most likely would include.

7 *Chela* is an arm, properly *chele* in classical Latin, but it is spelled thus in Marbod (line 260). Was a pun intended between *chela* and *celidonius*?

20. *Pyrite* (2). De Pirithes [*sic*].

Vim reserabo tuam. Vis est tibi magna, pirithes,
 sicut Naso canit, “flammas imitante piropo,”
 namque tibi nomen duplex ueteres tribuerunt.
 Contentum digitis te constringi uetuerunt
 5 nam constringentis digitos ut carbo peruris.
 Flammeus ergo tuus color est ut flammea uirtus.

5 digitos] digitis *D*

Based on Marbod 56 (*De pirite*), lines 680–83. Henry has added the allusion to Ovid, and even a gloss on the passage (line 3).

2 “Naso”: Ovid, *Metamorphoses* 2.2, “flammasque imitante pyropo.”

“nomen duplex”: both *pirithes* and *pyropus*.

5 “constringentis”: cf. “constringentis adurit” in 5.12 above.

21. *Striped Opal*. De Pantero.

Panteron docti Phebo spectant oriente,
 nam tibi delirant ueterum commenta uirorum.
 Hunc qui mane uidet fit inexuperabilis hosti.
 Multicoloris habet nomen, cum multicolor sit,
 5 nam uiret atque rubet, pallet simul atque nigrescit
 purpureusque nitet, tantis splendoribus unus.

Based on Marbod 51 (*De panthero*), lines 648–58.

2 “tibi”: this word might offer a hint that a dialogue is continuing between Henry and Evax.

4 “multicoloris”: i.e., of the panther.

22. [Unknown]. De Diadoco.

Diadocus sacer est, monstrans responsa petenti:
 effigies in aqua que dicant queque petita.
 Sed si defunctum tangat, uis decidit omnis—
 immundum cauet omne simul sanctissima gemma.
 5 Est huius pulcrum species imitata berillum.

Based on Marbod 57 (*De diadoco*), lines 684–90.

23. *Barnacle*. (De sagda).

Sagda, marinus honor, si se non offerat ipsa
 non uenit ad superos. Nam celso nata profundo
 tam mirabiliter ratibus currentibus heret
 ne queat a naui sine ligni parte reuelli;
 5 sic datur ignaris hec merx gratissima nautis.
 Hanc Chaldea parit; color hanc prassinus adornat.

194rb

5 merx] mers D

Based on Marbod 35 (*De sadda*), lines 496–504. This poem is lacking a title, having been joined with the previous entry in error.

6 “prassinus”: *praxinus*, the colour of *prasius*, or green chalcedony (Riddle, *Marbode*, 76). If this description is not mere fantasy, it must refer to barnacles dyed green by seaweed or algae.

24. [Unknown]. De Dionisia.

Vires ecce tue, dionisia, non reticentur!
 Trita soles in aqua uini spirare saporem.
 Cum spires uinum, pellis tamen ebrietatem.
 In nigro rubee splendent tibi corpore gutte.

Based on Marbod 58 (*De dionisia*), lines 691–96.

4 “In . . . gutte”: “Ruby spots gleam in your black body.”

25. *Carnelian*. De Corneola.

Corneolamrecio uilem, uirtute refertam
 collaudare libet. Latus collo digitoue
 iras surgentes poterit lenire potentum
 cumque †lauature† carnis sit ei color equus,
 5 comprimit membro fluidum quocumque cruorem;
 precipue fluxum ualide stringit mulierum.

5 membro] embro *D*

Based on Marbod 22 (*De cornelio*), lines 330–40.

4 “lauature carnis”: the meaning here is not clear. This phrase appears in Marbod and is translated as “raw flesh”: “Quique lavatare carnis par esse videtur, / Sanguinis ex membro sistit quocunque fluorem” (lines 338–39). I have found no precedent for this. In the strictest sense, it would mean “of the flesh about to wash.” RMLWL gives *lavatura* as a noun, “washing water.” Neither of these makes sense. As carnelian is usually a reddish colour, the important word here is *caro*, and *lavatura caro* might be flesh that has been drained and washed of all blood.

26. *Corundum*. De Adamante.

Nec nuce maior erit, ui magnus, corpore paruuus.
 Hic baiulum facit indomitum bellandoque sumnum
 et presens lemures portentaque uana repellit.
 Sompnia tranquillat, uirus ferale retundit;
 5 hic iuuat insanos, hunc passio perpes abhorret.
 Auctores claudi uel in argento uel in auro
 illum precipiunt et ferri parte sinistra.
 India prefulgens adamantem mittere sumnum
 scribitur; hunc et Arabs mittit nec tam preciosum.
 10 Tercius ex Cipro uehitur quartusque Philippis.

Based on Marbod 1 (*De adamante*), lines 24–49. The word *adamas* is the source of the

modern diamond, but until the development of gem-cutting in the late Middle Ages, diamonds were probably not appreciated (cf. Riddle, *Marbode*, 35). An incredibly hard stone is still intended.

2 “indomitum”: this is the Latin translation of the Greek word *adamas* (“unconquered”). Cf. Jerome, *Commentariorum in Amos prophetam libri III 3.7.7/9* (ed. M. Adriaen, CCL 76 [Turnhout, 1969], 318.205–319.207), citing Xenocrates: “Adamas sui nominis lapis est, quem Latine indomitum possumus appellare, eo quod nulli cedat materiae, nec ferro quidem.”

27. Loadstone. De Magnete.

194va

5	Nam si scire uelis tuane sit adultera coniunx, supponas capiti stertentis. Cassa sopore, si fuerit celebs, petit amplexura maritum;
	ni fuerit celebs, fugit illicet anxia lectum, tanquam fetorem subitum fugitiua pauescat et sic magnetes fit magni criminis index.
10	Si fur ardentes prunas deponat in ede et superasperget magnetis fragmina magni ut per tetragonum petat edis culmina fumus,
	quisquis ibi fuerit uelut incumbente ruina territus aufugiet, fur abstrahet omnia solus. Conciliare potest uxoribus ipse maritos; conciliare potest uxores ipse maritis.
15	Gratia latori suadelaque prouenit eius, prestat facundum disceptandique triumphum; hic quoque uicinum ualet ad se tollere ferrum. Cum mulsa bibitus purgans penetralia, solus et super usturas si spargitur, illico sanat.

4 ilicet] illicet *D* 17 solus] solum *D*

Based on Marbod 19 (*De magnete*), lines 284–311.

4 “fugit illicet”: cf. Virgil, *Aeneid* 8.223–24: “... fugit illicet ocior Euro / speluncamque petit. . .”

28. Agate. De Achate.

5	Tercius inseritur forma sublimis achates, de quo Virgilius, fido “comitatus Achate”, huic etenim fuit Eneas acceptus ubique. Portantes igitur facundos reddit achates et persuasores gratosque bonique coloris.
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Cautos et fortes reddit cunctisque placentes;
neconon interimit uirus quod uipera fundit
atque sitim sedat uisumque fouet recreatque.
Hic lapis in Siculis inuentus dicitur horis.

Based on Marbod 2 (*De achate*), lines 50–73. The discussion of agate is set in the context of Virgil’s *Aeneid*, in which Aeneas’s most trusted friend bears the name “Agate” (Achates).

1 “Tercius”: see p. 61 above.

2 Virgil, *Aeneid* 1.312: “ipse uno graditur comitatus Achate.” Henry may also have known the phrase from Ovid, *Fasti* 3.603: “litore dotali solo comitatus Achate”. If Henry was actually quoting the entire phrase, “fido comitatus Achate,” he may have adopted it from Pseudo-Ovid’s *Argumenta Aeneidis* 1.5: “ignarusque loci, fido comitatus Achate.”

9 “in Siculis . . . horis”: “in Sicilian regions.”

29. *Jet. De Gagate.*

Accensi fumus serpentes effugat omnes; sic uiro uirus, sic pesti pestis habetur.	Gagates quoque confricitur prius et calefactus, eque res trahit ad�licitas ut succinus ad se.	Hoc retulit uir Beda Dei; reserabimus ergo quid referant alii. Lapis hic lenisque leuisque, alter enim non est leuior, non lenior alter.
5	Ardet lotus aqua, restinguitur unctus oliuo; cum geritur prodest grauidis intercute limpha,	lotus aqua prodest denti nimium calefacta.
10	Gagatis subfumigium dat menstrua promte et uentres uersos iuuat et precordia uersa.	Accensus mox precipitat nidore caducum, accensus quoque demonium nidore repellit
15	et superat tam prestigias quam carmina dira. Potet aquam pregnans triduo qua mergitur ille: accelerare solet partum, solet alleuiare, et lesam perhibent deprendere uirginatatem.	15 carmina] cramina D

8 restinguitur] restringitur D	10 calefacta] calefacto D	15 carmina] cramina D
16 aquam corr. ex aque (?) D	qua] quo D	

Based on Marbod 18 (*De gagate*), lines 268–83, with an additional reference to Bede. The original beginning of the poem seems to be missing, as the word “Accensi,” apparently modifying an unsaid “gagatis,” implies that the stone has already been mentioned.

1, 3–5 Bede, *Ecclesiastical History of the English People* 1.1 (ed. Colgrave and Mynors, 16): “Quae etiam uenis metallorum, aeris ferri plumbi et argenti, fecunda gignit et lapidem ga-

gatem plurimum optimumque; est autem nigrogemmeus et ardens igni admotus, incensus serpentes fugat, adtritu calefactus adplicita detinet aeque ut sucinum.” Henry uses this passage, almost verbatim in the *Historia Anglorum*; see n. 19 above.

2 Cf. III.2, line 1231 (addressed to fennel): “sic uiro uirus, sic pesti pestis haberis.”

3 “conficitur”: the verb is correctly first declension (*conficere*), but for the sake of metre the poet has (it seems) conjugated it in the third declension, imitating “fricitur.”

4 “succinus”: amber and jet were believed to have magnetic properties, since they can build up strong static electricity.

8 “restinguitur”: the scribe’s reading of “restringitur” is an understandable error, but Marbod has the more difficult word (line 272), which Henry most likely understood.

9 “intercute limpha”: dropsy; literally, “water between the skin.”

10 Marbod’s original cure is for “shaky teeth” (line 274, “dentes labefactos”), and does not call for hot water. Following the manuscript’s “calefacto,” the cure would be for “hot teeth.”

12 “uentres . . . uersa”: I am not sure what ailments are intended here. Marbod reads “Ever-sos ventres iuvat, et precordia tensa” (line 279). Riddle speculates that the latter could be “a disturbance of the muscles of the mid-riff or diaphragm” or even a heart attack (*Marbode*, 56–57).

30. *Eaglestone*. De Etiche.

	Continet hic in se pregnantis more lapillum, hunc igitur scribunt pregnantibus esse salubrem, diuitias scribunt et amicitias cumulare; integrat etatem, seruat quoque sobrietatem.	
5	Annos incolumes seruare ferunt iuueniles, adiuuuat obsessos ui precipitante caducos. Hec ut agat, leuo lapidem suspende lacerto.	194vb
	Participa mensa suspectum fraude ueneni pulmentoque dato cui supponatur etices:	
10	si reus est, frustra temptans non glutiet illud, at lapidem si sustuleris, gustata uorabit. Sic patet in minimis uirtus miranda Tonantis; hoc sibi tutamen Castor Polluxque tulerunt.	

1 more] mole D

Based on Marbod 25 (*De echite*), lines 360–82. Henry has inherited Marbod’s confusion of two stones. According to Isidore, *Etymologiae* 16.15, *echites* is a stone that bears the markings of a viper, whereas *aetitis* is a stone the colour of an eagle. In medieval Latin, the two names could easily be confused. The confusion is also apparent in manuscripts of Marbod: some read *ethites* and some read *aetites* (line 360 and apparatus).

4 “integrat etatem”: “It recreates youth.” Cf. DMLBS, “aetas,” 1b.

8–11 Henry has thoroughly rewritten and condensed six lines from Marbod. This passage deserves translation here: “Share your table with one suspected of the crime of poison, and after the food is given to him, let eaglestone be placed under him: if he is guilty, trying in vain he will not gulp it down, but if you should remove the stone, he will taste and eat it.”

13 Henry inherited this line from Marbod's poem. I have not found the episode among the legends of Castor and Pollux. The only connection that presents itself is that Castor and Pollux, who were born from eggs, are carrying an egg-like stone. There is no mention of such a legend in A. A. Barb, "Birds and Medical magic: 1. The Eagle-stone, 2. The Vulture Epistle," *Journal of the Warburg and Courtauld Institutes* 13.3–4 (1950): 316–18.

31. *Hawkstone. De Jerachite.*

Nam prius abluto si gesseris ore lapillum,
diuinare potes que de te cogitet alter.
Ergo probare uolens an uerus sit jerachites,
nudabis corpus cum lacte et melle perunctum;
5 si lapis est uerus, musce fugient pauefacte.
Abstuleris lapidem, facto grege, spicula figent
deliciasque sibi dulces per uulnera sugent.
Hinc eciam scribunt (sed debent ista referri
consilio) quod adest impetratoria uirtus,
10 ut mulier nequeat quesita negare petenti,
ergo neget uilem liuor liuens jerachitem.

1 potes] potest D

Based on Marbod 30 (*De gerachite*), lines 441–52. The parenthetical remark in lines 8–9 and the final line seem to be original to Henry, though I am unable to follow the logic of the latter. Why should an envious person deny hawkstone or its less than honourable powers? Henry may be employing the nickname "Livor" again, by which the scornful Cook addressed him in book V (lines 2750 and 2776). If so, the narrator of this poem would have to be Evax, who is asking that Envy (i.e., Henry the cleric) should not handle hawkstone.

32. *Orite. De Aristo.*

Per uastas heremos et deuia lustra ferarum
qui graditur, non ledetur si portet oriston.

Based on Marbod 43 (*De orite*), lines 579–90. The title given in the manuscript is in error. The name *oriston* used in the text is closer to Marbod's *orites*. This poem, more than any other, is obviously incomplete.

33. *Mica. De Speculare.*

Necnon et lapidem dant Hispani specularem.
Finditur extractus terris, et sic tenuatus
ut uitrum renitet speculisque datur specularis.

Based on Isidore 16.4.37: "Specularis lapis vocatus est. . . ."

34. Phonolite. De Calcophano.

Et iam calcofanus Musis tractetur amicus;
Pieridumque decus per Pyerides decoramus;
pulsatus pulsata refert tinnitus era
et contacta putes hic si contingitur illa.
5 Ergo si caste lapis hic sancteque geratur
uocis dulce melos ipso prebente paratur.
Pulmones solidat fragiles ne sordificantur,
arterias firmat liquidas ne raucificantur.
Ipse tamen niger est qui tanto pollet honore,
10 summi res pretii Musis uocique canore.

Based partly on Marbod 53 (*De calcofano*), lines 664–68. Henry has added lines 1–2 and 10 about the Muses (*Pyerides*).

3-4 This is a difficult passage: “[*Calcofanus*], struck, imitates struck bronze [bells] with its tinklings, and you would think these [bells] have been touched if this [*calcofanus*] is touched.”

35. *Sarcophagus Stone*. De Sarcofago.

Sarcofagus greco naturam nomine monstrat,
sarcos enim grece *(sed)* Roma dicitur archa,
manducare, fagos. Defunctorum lapis iste
Hec ut agat, leuo lapidem suspende lacerto.
in quadraginta nisi solum terra diebus. 195ra
Hic igitur rodit uiuentibus ulcera feda
et carnes nimias quas noxius aggerit humor.
Scribitur iste lapis candens in Troade nasci.

2 sed *om.* *D*

Sarcophagus is a magical, flesh-eating stone, from which sarcophagi are made. Based on Isidore 16.4.15: "Sarcophagus lapis dictus. . . ."

² The addition of *sed* is necessary for the metre. In books I–VI of *Anglicanus ortus*, Henry gives many Greek names, always scanning them according to Latin rules (e.g., *stera*, line 34; *herpeta*, 273; *paganon*, 278; *camedreos*, 319; *exantumata*, 365; *anthemis*, 342; *prosopes*, 430; *cephalargia*, 1982; *statillina*, 2120; *clematis*, 2214).

²⁻³ Henry's word *sarcos* is rather different from what is in the most recent edition of Isidore, who says that “σορός enim Graece arca dicitur, φαγεῖν comedere.” Most manuscripts of Isidore, however, contain Latin transliterations of the Greek, and one (*K*) noted in the Lindsay edition reads *sarcorus* (16.4.15, apparatus to line 20) and is probably kin to Henry's copy.

8 "in Troade": found in the Troad, the area around Troy.

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THE INFANTS OF EDEN: SCHOLASTIC THEOLOGIANS ON EARLY CHILDHOOD AND COGNITIVE DEVELOPMENT*

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RESPONDING to a passage in Augustine, several scholastic theologians of the high Middle Ages discussed the physical and mental condition of the infants who would have been born in the earthly paradise if there had been no sin. Among the theologians who contributed to the discussion were such major figures as Hugh of St. Victor and Peter Lombard in the twelfth century, and Albertus Magnus, Bonaventure, and Thomas Aquinas in the thirteenth. The crux of the discussion was how to explain and evaluate the debility of infants. Whereas Augustine had considered infantile debility to be unnatural and a punishment for original sin, the medieval schoolmen were inclined to regard it as natural, and they applied their knowledge of medicine and natural philosophy to the topic.

Through discussing the infants of Eden, theologians revealed what in their view was distinctive about infants and how they evaluated infancy. For an historian interested in how medieval people regarded childhood, therefore, Augustine's isolated discussion was a happy accident, for there is no reason to suppose that the schoolmen would have paid much attention to infants if he had not provoked them. Indeed, apart from discussions of the infants of Eden, a scholar trying to establish what scholastic theologians thought about any phase of childhood has to rely on fragmentary observations made incidentally in the treatment of quite different topics.

In the following essay, I shall begin with the seminal passage from Augustine. Then, in the main part of the essay, I shall examine the medieval discussion in an effort to trace its development and salient trends, to discover both the diversity and the consensus of opinion among the scholars who discussed the topic, and to ascertain precisely how their view differed from Augustine's. Finally, I shall suggest how one might regard these developments from the broad perspective of the history of ideas, and in particular, I

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shall suggest that the scholastic view of infancy exemplifies a certain model or paradigm of childhood that may have been dominant or prevalent in the period.

Some clarification of terms is in order at the outset. I shall refer to the children in question as the *infants* of Eden. The schoolmen themselves usually called them *pueri*, *fili*, or *proles* (i.e., “children,” “offspring”), and occasionally *parvuli* (“little ones,” “babies”), leaving the context to establish to which phase of childhood they were referring. It is clear from the context that they were referring to that phase of life in which children are still incapable (at least in the fallen world) of walking in an upright posture and of speaking. It seems to me that “infants” is the most appropriate term in modern English to denote children at this age. Moreover, my use of the term befits the etymological sense of *infans* in Latin, which, as every medieval scholar knew, meant “unable to speak.”¹ When the scholastic theologians used the abstract nouns *infantia* and *pueritia*, they usually had in mind the first two seven-year periods respectively of a typical life span, but they often used the term *puer* in a loose, non-technical manner that included the very young, and they rarely referred to the infants of Eden as *infantes*.

According to the traditional division of ages, which the schoolmen knew chiefly from Augustine and Isidore of Seville, the inability to speak was what chiefly distinguished infancy from the next age, *pueritia*. (Another dividing feature was infant amnesia, for at the end of infancy, as in the Flood in the corresponding world age, everything that had gone before passed into oblivion.²) Oddly enough, infancy was supposed to extend through the first seven years of life, and thus far beyond the period during which children cannot walk or speak.³ Theologians seem to have been unconcerned about this inconsistency, although medical scholars sometimes divided infancy into two phases: infancy proper, which might last for the first six months or as long as two years, and the remainder of the first seven-year period.⁴ Much of what

¹ Isidore, *Etym.* 11.2.9 (ed. W. M. Lindsay [Oxford, 1911]): “Infans dicitur homo primae aetatis; dictus autem infans quia adhuc fari non nescit, id est loqui non potest.” The verb *fari*, already archaic and mainly poetic or religious in classical Latin, means “to speak.”

² Bonaventure, *Breviloquium*, prol. 2 (*Opera omnia*, ed. PP. Collegii S. Bonaventurae, 10 vols. [Quaracchi, 1882–1902], 5:204): “Vocatur autem prima aetas [mundi] infantia, quia, sicut infantia tota oblitione deletur, sic illa prima aetas per diluvium est consumpta.” Cf. Augustine, *De Genesi contra Manichaeos* 1.23.35 (PL 34:190). On medieval divisions of the life span, see Michael E. Goodich, *From Birth to Old Age: The Human Life Cycle in Medieval Thought*, 1250–1350 (Lanham, Md., 1989).

³ Isidore, *Etym.* 11.2.1: “Prima aetas infantia est pueri nascentis ad lucem, quae porrigitur in septem annis.”

⁴ See Luke Demaitre, “The Idea of Childhood and Child Care in Medical Writings of the Middle Ages,” *The Journal of Psychohistory* 4 (1976–77): 461–90, at 465.

scholastic theologians said about infants' physical and mental debility would apply with gradually diminishing relevance, *mutatis mutandis*, to the period of early childhood during which children can walk and speak but have still not attained the independence and discernment traditionally associated with the seventh year.

I shall refer to the infants in question as being of *Eden*, denoting by "Eden" not a place but the condition that the schoolmen called "original justice." But it should be noted that the infants in question were hypothetical. Theologians assumed that no children had been born in fact until after the fall and expulsion of Adam and Eve (see Genesis 3:24–4:1), although they often spoke of the infants of Eden in the indicative mood, and one of them even spoke of the "modern infirmity of babies" (*infirmitas moderna parvolorum*), as if children had declined from primordial perfection.⁵ But in their view, God had intended Adam and Eve to procreate in paradise and indeed had commanded them to do so (Genesis 1:28). In that sense, the schoolmen regarded the infants of Eden as an historical reality. The primordial but largely unrealized condition was the standard against which they measured the fallen world and identified its failings. Contrariwise, their accounts of that condition inversely reflected their evaluation of the human condition as they experienced it.

Finally, I have translated the crucial term *infirmitas* as "infirmity" to retain the connotations of the original term in patristic and medieval Latin, even though the English term today is no longer in common use and seems archaic. The schoolmen usually construed *infirmitas* as a negative term (denoting a fault or defect), although they sometimes used it in a neutral sense. A more idiomatic but neutral English term, such as "weakness," would have lost the predominantly negative flavor of the Latin term. Moreover, where a Latin term is important but ambiguous, it is safer to retain its literal English equivalent if there is one.

AUGUSTINE AND THE ORIGIN OF THE QUESTION

What provoked the medieval discussion was a passage in the *De peccatorum meritis et remissione* wherein Augustine wondered why Christ, even though he was free from sin, had begun his human life ignominiously as a baby.⁶ The crux of the matter, Augustine argues, is neither the littleness nor

⁵ *Summa fratris Alexandri* 1-2, inq. 4, tr. 3, q. 2, membrum 2, c. 3 [=no. 503] resp. (*Alexandri de Hales Summa theologica*, ed. PP. Collegii S. Bonaventurae, vol. 2 [Quaracchi, 1928], 721b).

⁶ Augustine, *De peccatorum meritis et remissione et de baptismo parvolorum ad Marcellinum libri tres* 1.37.68 (ed. C. F. Urba and J. Zycha, CSEL 60 [Vienna, 1913], 68–69).

even the physical debility of infants but rather their “appalling ignorance, an infirmity that is not of the flesh but of the mind.”⁷ It seems obvious to Augustine that such infirmity is “penal” (i.e., a punishment for original sin). Moreover, since Adam was entirely free not to sin, he must have had full use of reason from the start, and therefore he was never an infant. But why did Christ, who was without sin, begin his human life as an infant? It was only because to save us from sin, he was born “in the likeness of sinful flesh” (Romans 8:3).

A subsidiary question arises. If infantile debility is a punishment for sin, would the children of Eden have been born without the proper use of tongue, hands, and feet, as babies are now? It seems not. Clearly, Augustine concedes, they would have been small at the time of their birth, because of the size of their mother’s womb. But by a miracle, they might have grown up at once. God made Eve from a single rib, but she was fully grown when God presented her to Adam as his wife. Augustine tentatively suggests that human infants in Eden would have been like the young of many irrational animals today, which are small but can move about, recognize their mothers, and find their mother’s teats, and which do not advance in the use of reason (albeit because they have no rational soul). But now, as a penalty for original sin, human infants are unable to use their feet for walking or their hands to scratch themselves. Indeed, they are so incapable that they have trouble latching onto the breast even when they are hungry and it is put to them, tending rather to cry than to suck. Returning to the earlier theme of the discussion, Augustine says that the infirmity of infants’ bodies befits the infirmity of their minds.⁸

This isolated *sententia* from Augustine was the source of the entire inquiry into the infants of Eden in the medieval schools. The schoolmen did not attempt to amplify or qualify the passage by introducing material from elsewhere in Augustine’s writings. Nevertheless, because his influence was wide and deep, it is pertinent to ask whether the *sententia* is representative of Augustine’s general attitude to infants. It seems to me that it probably is representative, for he reveals in the *Confessions* that he found infancy appalling: “It is the feebleness of infantile limbs that is innocent,” he observes, “not the intent [*animus*] of infants”; the greedy, spiteful acts of infants “are blandly tolerated not because they are nothing or a small matter, but because they will pass away with age.”⁹ Augustine was apparently rebutting a commonplace as-

⁷ Ibid. (CSEL 60:69): “propter horrendam ignorantiam atque infirmitatem non carnis, sed mentis.”

⁸ Ibid. 1.37.68–38.69 (CSEL 60:69–70).

⁹ Augustine, *Confessionum libri XIII* 1.7.11 (ed. L. Verheijen, CCL 27 [Turnhout, 1981], 6): “Ita imbecillitas membrorum infantilium innocens est, non animus infantium. . . . Sed blande

sumption that the very young were innocent. In his view, on the contrary, the peculiarities of their behavior were clear indications of original sin, the effects of which they had not yet learned how to ameliorate or to disguise. Through a form of sympathy, he considered what his own thoughts and motives would have been if he behaved as infants did.

The passage from the *De peccatorum meritis* provided schoolmen not only with some questions for debate but also with an array of concepts. Augustine's notions of ignorance and infirmity were crucial in the schoolmen's discussion. And just as Augustine's discussion covered both the mental and the behavioral capabilities of infants, so also the schoolmen pursued separate (though overlapping) inquiries into the intellectual cognition of the infants of Eden and into their "use of members."

Yet there are some ambiguities in Augustine's characteristically reflective and nuanced treatment of the infants of Eden that can make it difficult for us to assess whether the position of a later author is consistent with his or not. He emphasizes that human infants now are *utterly* helpless, more helpless even than the young of most other species. Indeed, his point is that they are incapable of doing precisely those acts appropriate to their early stage of life, such as to follow their mothers and to find the breast. But what is the threshold at which infantile debility becomes penal? When he implies that the infants would have been able to use their tongues, does he mean that they could speak or only eat? Would the small size of infants have entailed some degree of corporeal or cognitive debility, albeit less severe than in fallen infants? Would the infants of Eden have been like miniature adults, or would they have been capable of only a limited range of actions appropriate to their circumstances and to their immediate needs as infants? One might interpret the discussion as a whole in either sense. Yet Augustine implies (albeit inconspicuously) that the children would have been born cognitively mature, for he suggests that they would not have undergone subsequent rational development.

The ambiguities in Augustine's discussion and the tentative manner of his argument left the schoolmen with considerable freedom and latitude in their approach to questions about the infants of Eden. Augustine himself approached the issue non-dogmatically, leaving his successors free to reach different conclusions with a clear conscience. The schoolmen likewise approached the question as one to which only "probable" answers were appropriate. Even when their view was different from Augustine's, they usually

tolerantur haec, non quia nulla uel parua, sed quia aetatis accessu peritura sunt." If such statements make us feel vaguely uncomfortable, it may be because we now know that the imputing of adult motives to small children is often the justification for violent or sexual abuse.

preferred the way of conciliation, and they rarely contradicted him explicitly: such was his authority in theology. Moreover, the thirteenth-century masters did not reject Augustine's position entirely. Yet their attitude to infancy was fundamentally different from his, and it was their fundamental disagreement with him that provoked the discussion.

THE TWELFTH-CENTURY DELINEATION OF THE TOPIC

Thirteenth-century theologians based their discussion of such questions on Peter Lombard's,¹⁰ who in turn composed his treatment by combining passages from Hugh and from the *Summa sententiarum* (his favorite twelfth-century sources). It seems to have been Hugh who started the medieval discussion.

In his *De sacramentis christiana fidei* (1130/31–37), Hugh makes a fresh approach to the question that Augustine had raised. Inquiring into original justice, Hugh turns to the “stature” and the cognitive capacity of the infants of Eden. He argues that whereas Adam came into existence already perfect in mind and body, his children would probably have attained both corporeal and intellectual perfection in stages over a prolonged period, according to the same law as governs generation now. Hugh proposes a metaphysical rationale: that among all living things, one law governs the origin of a species and another governs its propagation, for while any species must begin in perfection (when it is created), its fullness is attained gradually thereafter. The same law applies to all animals, and to trees and plants as well.¹¹

Hugh's assumption that immaturity and the need to develop gradually are natural features of childhood sets him apart from Augustine, but thus far, there is no outright contradiction. Yet Hugh contradicts Augustine (without mentioning him by name) when he considers an objection regarding the infants' mental development.¹² Some might argue, Hugh notes, that mental imperfection entails ignorance, and that ignorance is a penalty for original sin. (Here one should remember that Augustine saw in infants an “appalling ignorance,” which was a punishment for sin.) Hugh counters that the objection rests on a misunderstanding, for ignorance is more than imperfect knowledge

¹⁰ They occasionally cite Hugh himself, as well as Augustine: see, for example, Thomas Aquinas, *De veritate* 18.7 resp. (Leonine edition 22:555b, lines 67–71); and *Summa fratris Alexandri* 1-2, no. 502, ad 1 contra (718b).

¹¹ Hugh of St. Victor, *De sacramentis christiana fidei* 1.6.26 (PL 176:278D–279A). This rationale becomes a standard argument in thirteenth-century treatments of the infants of Eden. See, for example, *Summa fratris Alexandri* 1-2, no. 502, arg. 1 contra (717b).

¹² Hugh of St. Victor, *De sacramentis christiana fidei* 1.6.26 (PL 176:279B–C).

or a lack of knowledge. Someone who does not know something is not necessarily guilty of ignorance, for there is ignorance only insofar as one does not know what one *ought* to know.¹³ Even now, infants are not born in a state of ignorance, although they are born in original sin. Ignorance, which is indeed a penalty for original sin, manifests itself only later, when persons reach the age of discretion, especially if they fail to grasp (in the absence of grace) the truth regarding their own salvation.

Hugh defends the latter part of his theory with an allegorical interpretation of John 4:18, where Jesus says to the Samaritan woman, “You have had five husbands, and he whom you now have is not your husband.”¹⁴ The five husbands represent the five senses. They were husbands, and not adulterers, because it is natural for anyone in the first stage of life to live entirely according to the senses. Until the age of discretion, sensuality is neither bad and guilty nor good and meritorious (i.e., it is morally indifferent).¹⁵ Hugh implies (although he does not spell this out) that the sixth and latest partner (the adulterer) represents the ignorance and sensuality that appear at the age of discretion.

It is important to note exactly where Hugh disagrees with Augustine. The point at issue is not so much the original condition of the infants, for Hugh concedes that his position is only the “more probable” one, and not one that he would presume to “assert.”¹⁶ But he categorically rejects an argument for the opposite position. This is the argument that turns on the idea of ignorance. Whereas Augustine was appalled by the ignorance of infants, Hugh maintains that they are not ignorant at all but merely nescient. Whether Hugh realized that he was contradicting Augustine is not clear. There was surely some connection between his treatment of ignorance and Augustine’s in the *De peccatorum meritis*, but it may have been indirect. As we shall see, Thomas

¹³ Ibid.: “Sed qui hoc dicunt, non satis diligenter considerant quod non omnis qui aliquid nescit aut aliquid minus perfecte scit, statim ignorantiam habere sive in ignorantia esse dicendum est; quia ignorantia non dicitur nisi tunc solum cum id quod ignorari non debuisset, nescitur.”

¹⁴ Quoted from the Douai version; the Vulgate text reads, “Quinque enim viros habuisti et nunc quem habes non est tuus vir.” Because of the ambiguity of the term *vir* (meaning either “man” or “husband,” according to context), the Latin might mean either (a) that she has had five men, the fifth of whom (the current one) is not her husband (literally, “your man”); or (b) that she has had five husbands and then a sixth man who is not her husband. Hugh’s interpretation is evidently b.

¹⁵ Hugh of St. Victor, *De sacramentis christiana fidei* 1.6.26 (PL 176:279B–280A).

¹⁶ Ibid. (PL 176:280B): “Et nos quidem secundum hunc modum in rebus occultis ea quae magis probabilia nobis videbantur eligimus, ita tamen ut in nulla parte dubia pro certis asserere praesumamus.”

Aquinas ascribed to Bede the doctrine that ignorance is one of the penalties for original sin.¹⁷

Hugh's analysis of ignorance as a privation of *due* knowledge both relativizes ignorance and expands the notion of nature. Lack of knowledge is a fault or defect (*vitium*), according to Hugh, if and only if one does not know what one *ought* to know; and what one ought to know is not fixed but rather increases with maturity, in proportion with mental capability, until one reaches the age of discretion. Moreover, such development, with its shifting moral implications, is itself natural. The natural order includes development: it is not static through and through. Thus imperfection in the sense of incompleteness (i.e., a transitional phase in the natural development of something) is congruent even with a state of perfect nature.

The author of the *Summa sententiarum* (1138–41), who was probably Odo of Lucca,¹⁸ considers the infants of Eden when he discusses the “condition of man before sin.”¹⁹ Were the infants of Eden able to walk and to speak as soon as they were born? Odo notes that one cannot settle the question by appealing to authority.²⁰ He goes on to present the question as a set of two contradictory alternatives. On one side is Augustine's position. Odo summarizes Augustine's argument from the *De peccatorum meritis*, but he adds that because Augustine said nothing dogmatically, some (*quidam*) have argued not unreasonably that Adam's children would have only gradually attained the level of development that Augustine describes, whereby they could at least move around and follow their mothers. Odo is probably referring to Hugh, but whereas Hugh focused on the cognitive condition of the infants, Odo focuses on their physical condition and their behavior. Odo defends the second position. Like Hugh, he argues that infantile imperfection was consistent with a state of perfect nature.

Odo argues that the incapacity of infants in Eden would not have been a fault (*vitium*) but rather a natural condition, just as human dependence on food is a natural condition. Neediness itself entails a lack of something, but it is not necessarily a defect. To the objection that the dwellers in Eden would have been immortal and therefore would not have needed food to survive, Odo responds that not eating the fruit provided for them would have been as disobedient as their eating the forbidden fruit. (The point of the argument is that their immortality was not absolute but rather conditional upon their obedi-

¹⁷ See n. 106 below.

¹⁸ See F. Gastaldelli, “La *Summa sententiarum* di Ottone da Lucca: Conclusione di un dibattito secolare,” *Salesianum* 42 (1980): 537–46.

¹⁹ *Summa sententiarum* 3.4 (PL 176:95A–C).

²⁰ Ibid. (PL 176:95A): “nobis de auctoritate certum non est.”

ence.) The infants would not have experienced the pain of hunger (which is a penalty for sin), but they would have had a natural and moderate appetite for food.²¹ Just as Hugh found a way to include imperfection in the state of perfect nature, so Odo found a way to include need and appetite.

Peter Lombard treated the topic under Book 2, distinction 20 of his *Sentences* (1154–57), a distinction devoted mainly to the manner in which Adam and Eve would have procreated.²² Discussion of Adam's children follows naturally from discussion of primordial coitus and procreation. There is little if anything that is new in Peter Lombard's treatment, for he skillfully collates material from Hugh and from the *Summa sententiarum*, omitting some of the subtler points in Hugh's treatment (in particular, he does not use Hugh's metaphysical rationale or the allegorical exegesis of John 4:18). As noted above, Hugh focused on the cognitive condition of the infants of Eden, while the *Summa sententiarum* focused on their use of members. Peter Lombard proceeds in two stages, attending first to the infants' stature and use of members, and second to their powers of sensation, cognition, and understanding (although he does not deal with the perfection of cognition in Eden until distinction 23). Even in the first part of the discussion, Lombard defines the stage of maturity in question as that at which children can walk and speak.²³

Because of Peter Lombard's dependence on Hugh and the *Summa sententiarum*, a detailed exposition of his discussion here would be redundant. Nevertheless, because his treatment provided the framework for thirteenth-century treatments, it is appropriate to present an outline of it.²⁴

Regarding the infants' stature and use of members and their ability to walk and speak, Lombard observes that they would surely have been born as babies (*parvuli*) rather than as adults because of the limited capacity of their mother's womb (4.1), yet they might have grown up either at once or gradually, and one cannot settle this question by appealing to authority (4.2). Augustine's own account is ambiguous, yet he seems to imply that they would have had the ability to use their members fully even as babies (4.3). Never-

²¹ Ibid. (PL 176:95C).

²² Peter Lombard, *II Sent.* 20.4–5 (*Sententiae in IV libris distinctae*, ed. PP. Collegii S. Bonaventurae, Spicilegium Bonaventurianum 4–5 [Grottaferrata, 1971–81], 1.2:429–32). The division of each book into *distinctiones* was a thirteenth-century innovation, probably the work of Alexander of Hales (see *ibid.*, 1.1:143*–44*).

²³ Ibid. 20.4.4 (1.2:430): “ut in illis exspectaretur aetas ad ambulandum et loquendum, sicut modo in nobis.” Compare the less specific statement in Lombard's source, *Summa sententiarum* 3.4 (PL 176:95B): “tunc exspectaretur aetas in parvulis ad illa facienda et similia.” But Odo includes the ability to speak when he frames the question (95A): “Quales vero si non peccassent nascerentur eorum filii utrum mox ambulare et loqui, et caetera facere possent.”

²⁴ The numbers in parentheses in what follows are those of the chapters and subdivisions of the Grottaferrata edition.

theless, to some (*quidam*) it does not seem absurd to propose that the infants' ability to walk and speak would have developed gradually, in much the same way these powers develop in infants now. Their initial debility would have been natural and not a defect (*vitiū*), just as their need for food was natural (4.4). To the objection that the inhabitants of Eden would not have needed food because they were immortal, Lombard counters that they were immortal only as long as they did not sin, and not eating the fruit provided for them would have been as sinful as eating the forbidden fruit (4.5). And to the objection that a need for food would have entailed hunger, which is penalty for sin, Lombard replies that hunger is by definition an *immoderate* desire. The inhabitants of Eden would not have experienced hunger, therefore, but they would have had a natural and moderate appetite for food (4.6). In short, just as the need to eat was not a defect in Eden, so also the infants' need to achieve their full stature and use of members only gradually was not a defect (4.7).

Turning to the infants' sensory and cognitive powers, their ability to grasp the truth, and their understanding, Lombard notes that those who propose that the infants' use of members would have developed gradually are likely to hold that their sensory and mental powers would have developed gradually as well (5.1–5.2). Those who object that ignorance is a penalty for sin fail to appreciate the distinction between ignorance and mere nescience (5.3), for ignorance is the lack of knowledge of what one *ought* to know (5.4).

The inquiry that Hugh started had already established several points that would be fundamental for the thirteenth-century masters. The crux was Hugh's distinction between ignorance and nescience, which entailed, as a general corollary, that imperfection was not necessarily a fault. The shadowy Rolandus, a contemporary of Peter Lombard, makes the point succinctly in his own *Sentences*.²⁵ He argues that the children of Adam and Eve would have been born not only small, as Augustine maintains, but also "unintelligent," and that they would have grown up and progressed in knowledge gradually, much as our own children do, albeit "more quickly and more easily." Yet because "knowledge is not required of children, one does not attribute ignorance to them."²⁶ It seems that by the mid-twelfth century, this was the standard

²⁵ This Rolandus taught canon law, but he was probably not Rolandus Bandinelli, the future Pope Alexander III: see John T. Noonan, Jr., "Who was Rolandus?" in *Law, Church, and Society: Essays in Honor of Stephan Kuttner*, ed. Kenneth Pennington and Robert Somerville (Philadelphia, 1977), 21–48; and Rudolf Weigand, "Magister Rolandus und Papst Alexander III," *Archiv für katholisches Kirchenrecht* 149 (1980): 3–44. Rolandus's *Sentences*, a theological work, is usually dated ca. 1155.

²⁶ Ambrosius M. Gietl, ed., *Die Sentenzen Rolands nachmals Papstes Alexander III* (Freiburg im Br., 1891; rpt. Amsterdam, 1969), 122: "Parvi quidem, ut dicit Augustinus, et inscientes nati fuissent, et per temporum intervalla, ut modo nostri parvuli proficiunt, ipsi etate et

position. As Rolandus tacitly recognized (by implying that he disagreed with Augustine), the attitude of twelfth-century theologians to infantile debility was more accepting and more naturalistic than Augustine's. Thirteenth-century masters would develop the naturalistic aspect of the position by introducing information from medicine and natural philosophy.

Hugh's insight entailed a conceptual distinction between imperfection and fault (*vitiū*), which were related as genus and species respectively. In this respect, the new approach owed something to the grammarian's distinction between privative terms, such as "blind," and merely negative terms, such as "unsighted." (Stones lack sight, but they are not blind.) But Hugh set imperfection in the progressive, teleological context of natural development. To illustrate how the imperfections of infants, including their nescience, need not be a fault or defect, some thirteenth-century masters cite the example of animals that are normally born without sight, for one does not call them *blind* before they have reached the age at which they *should* have sight, such as the ninth day in the case of puppies.²⁷ When imperfection is a normal phase in the gradual coming into being of something, it is natural, for gradual coming into being is itself natural. Contrary to what Augustine thought, therefore, there need be nothing abhorrent in the nescience or cognitive incapacity of infants. The new approach had moral entailments too, although these are not usually explicit: persons do not sin until they reach a minimum age for moral discernment and responsibility. In that sense at least, infants are innocent.

Peter Lombard's treatment was a milestone in the history of the topic because of his unique status in the schools. Although his authority was by no means unassailable (thirteenth-century masters even published lists of his errors), his successors regarded him as a solid and reliable theologian, and his choice of questions and texts did much to establish the agenda of theological inquiry and debate in the schools. Even during the twelfth century, other masters summarized and paraphrased his work.²⁸ In the thirteenth century, Alexander of Hales made Peter Lombard's *Sentences* the textbook for students in the faculty of theology in Paris. Questions about the infants of Eden inevitably became the subject of commentary and disputation in the thirteenth-century schools, therefore, although not every master took up the challenge. Alexander of Hales did not treat the topic under Book 2, distinction

scientia proficerent, sed cicius et levius." Ibid., 123: "Cum ergo a pueris non exigatur scientia, nec infertur in eis esse ignorancia."

²⁷ *Summa fratris Alexandri* 1-2, no. 502, ad 1 contra (718–19); Albertus Magnus [?], *Summa theologiae* 2.14.85 ad 2 (*Opera omnia*, ed. A. Borgnet [Paris, 1890–99], 33:137a).

²⁸ Bandinus faithfully summarizes Peter Lombard's position on the infants of Eden, without criticism, in his popular abbreviation of the *Sentences*: see *II Sent.* 20 (PL 192:1047D–48B).

20 of his pioneering *Glossa in quatuor libros Sententiarum*, composed in the 1220s (prior to his joining the Order of Friars Minor). Albertus Magnus, O.P., writing in the 1240s, seems to have been the first of the major thirteenth-century theologians to consider the topic extensively.

THE THIRTEENTH-CENTURY ELABORATION OF THE TOPIC

Commenting on Book 2, distinction 20 of the *Sentences*, Albert inquired whether Adam's infants would have been born corporeally and mentally incapable.²⁹ Albert's treatment, though brief, was highly influential, and it was he who introduced a "scientific" strand into the discussion (in the modern sense of that term), drawing on medicine as well as natural philosophy. Bonaventure, O.F.M., who had studied under Alexander of Hales (among others) in the Franciscan studium in Paris, overlooked the topic in the same distinction of his definitive commentary on the *Sentences*, written in the 1250s (although he alludes to it later, in distinction 23, when he discusses the perfection of Adam's knowledge).³⁰ Yet Bonaventure had treated the topic fully under distinction 20 in his earlier, partial commentary, the *Dubia circa litteram Magistri*.³¹ Although Bonaventure's *dubia* are often dependent on Alexander of Hales, the two *dubia* on our topic seem to be dependent on Albert's treatment. The similarities pertain not only to content but even to phraseology and to the authorities cited.

It would be difficult to determine what Albert's medical sources were and how dependent he was on them, in part because some of the medical points that he developed were commonplace, and in part because he himself influenced medical science. But he probably found in *medicina* (a scholarly tradition running from Galen through Avicenna's *Canon*) not only the general theory of humors and complexion that he applied to infancy but also the assumption that the relatively high level of moisture in children was the cause of much of what distinguished them from adults.³² Albert might also have found

²⁹ Albertus Magnus, *In II Sent. 20.7 (Opera omnia*, ed. Borgnet, 27:349). Albert completed the revised version of his commentary in Cologne in 1249, having been a sententia in Paris from 1243/44–45 and Regent Master of the Dominican studium there from 1245 to 1248.

³⁰ Bonaventure, *In II Sent. 23.2.1 (Opera omnia* 2:537–38).

³¹ Ibid., d. 20, dub. 5–6 (*Opera omnia* 2:488–89). Bonaventure was a sententia in Paris 1252–54. He probably revised his definitive commentary for publication during the years 1254–56, when he was Regent Master of the Franciscan studium in Paris. On the relation of the *dubia* to the definitive commentary, see Jacques-Guy Bougerol, *Introduction to the Works of Bonaventure*, trans. José de Vinck (Paterson, N.J., 1964), 102.

³² See Mary Dzon, "The Image of the Wanton Christ-Child in the Apocryphal Infancy Legends of Late Medieval England" (Ph.D. diss., University of Toronto, 2004), 33–52.

in *medicina* a tendency to regard such natural imperfections in children with tolerance.³³ The encyclopedist Bartholomaeus Anglicus, O.F.M., writing in the 1230s, characterized the infant (*infans*) and the child (*puer*) in terms that we shall see repeated in Albert and Bonaventure. According to Bartholomaeus, the flesh of the newborn infant is fluid and tender.³⁴ He refers also to the softness of the infant's nature and to the tenderness of the infant's limbs, which take different shapes easily and should therefore be tightly bound and swaddled.³⁵ The causes of these features become explicit when Bartholomaeus turns to the child (*puer*), who has a "warm and moist complexion."³⁶ Bartholomaeus drew eclectically on a wide range of sources, including theology, but the background here was chiefly medical. The fourteenth-century *medicus* Bernard de Gordon characterizes childhood as a period in which the high level of moisture causes softness and pliability in the body, and he remarks on the child's lack of reason. Bernard regards the infant's condition of life as literally lamentable.³⁷ The idea that moisture limited the infant's cognitive powers may have been commonplace,³⁸ but Albert's account of the mechanism of this influence was probably original.

Thomas Aquinas's treatment was based on Albert's, but it was much more detailed and extensive. He considered the corporeal and the cognitive development of the infants of Eden first in two articles of his *Scriptum super libros Sententiarum*, when commenting on Book 2, distinction 20.³⁹ (The *Scriptum*

³³ See Dzon, "Image of the Wanton Christ-Child," 33–34. See also Michael Goodich, "Encyclopaedic Literature: Child-Reading in the Middle Ages," *History of Education* 12 (1983): 1–8, at 5 and 7. Goodich suggests that in regard to children and their education, encyclopedists who drew mainly on medicine (such as Bartholomaeus Anglicus) were more tolerant, while those who drew more on Augustine (such as Vincent de Beauvais, O.P.) emphasized children's sinfulness and were more severe.

³⁴ Bartholomaeus Anglicus, *De rerum proprietatibus* 6.4 (Frankfurt, 1601; rpt. Frankfurt a.M., 1964), 237: "Caro infantuli recenter nati fluida est & tenella."

³⁵ Ibid., 238: "... & hoc propter puerilis naturae mollitiem. . . Vnde membra infantilia, propter sui teneritudinem, ad diuersarum figurarum susceptionem habent flexibilitatem, & ideo fascis & aliis ligaminibus congruis infantilia membra sunt liganda."

³⁶ Ibid. 6.5, 239: "Est autem aetas puerilis calidae & humidae complexionis."

³⁷ See Demaire, "Idea of Childhood" (n. 4 above), 467–69; and Dzon, "Image of the Wanton Christ Child," 34–36.

³⁸ Cf. William of Conches, *Philosophia mundi* 4.29 (ed. Gregor Maurach [Pretoria, 1980], 113). The warm and moist complexion of infants is the root cause of their irrationality, according to William, but only because it stimulates frequent eating, for fumes from digestion rise into the head and befuddle the brain. I am grateful to Prof. Mary Dzon for bringing this text to my attention.

³⁹ See Thomas Aquinas, *In II Sent.* 20.2.1 (ed. P. Mandonnet [Paris, 1929], 509–12), where he considers the corporeal perfection of the infants as regards capability (*virtus*), stature, and gender. In the following article (20.2.2, ed. Mandonnet, 512–15), Thomas inquires whether

was the fruit of Thomas's teaching as a sententia bachelor in Paris from 1252, although he was still working on it when he became a Regent Master at the Dominican house of studies in 1256.) He returned to their cognitive development (albeit only briefly) in distinction 23, when discussing the perfection of Adam's knowledge.⁴⁰ Peter Lombard's *Sentences* provided a pretext for discussing the topic, and because of the precedent in Albert, Thomas could hardly have avoided it. But Thomas considered the infants' cognitive development more extensively in Question 18 of his *Quaestiones disputatae de veritate* (1256–59), a product of his first Parisian regency. Question 18 as a whole was devoted to Adam's cognition before sin, and Thomas devoted the last two articles in it to Adam's infants.⁴¹ He returned to the infants of Eden yet again in the *Prima pars* of the *Summa theologiae* (1266–68), where he first inquired whether the infants in Eden would have been born with perfect use of their members.⁴² Later, he devoted an entire question in two articles to their cognitive development.⁴³ His inclusion of the topic here, in a work supposedly devoted to the essential rudiments of theology, is a measure of the unusual level of his interest in it. Since the most original and developed features of Thomas's treatment pertain to the infants' cognitive powers, it is likely that the topic interested him at least partly because it provided him with an opportunity to test, refine, and elaborate his theory of cognition.

The main features of Thomas's position remained the same over the decade of these treatments, but there were some advances in the order of his exposition. Since Peter Lombard did not discuss the perfection of Adam until distinction 23 of Book 2, Thomas followed the same sequence in his commentary, treating the perfection of the infants in distinction 20 and Adam's perfection in distinction 23.⁴⁴ But he followed the more logical sequence in the *De veritate* and in the *Summa theologiae*, discussing Adam's perfection first and only later, with that in mind, inquiring into the develop-

they were born cognitively perfect: "Utrum in statu innocentiae pueri mox nati fuissent perfecti in cognitione."

⁴⁰ Ibid. 23.2.2 resp. (ed. Mandonnet, 576–77). Here, having shown how Adam had perfect cognition of all things, Thomas returns to the knowledge and prudence of the infants in the latter part of the response, when he reviews the two opinions.

⁴¹ Thomas Aquinas, *De veritate* 18.7–8 (Leonine edition 22:554–59).

⁴² Idem, *Summa theologiae* [hereafter *ST*] 1.99.1 (604–5). (Page references are to the Institutum Studiorum Medievalium Ottaviensis edition of *ST*, 5 vols. [Ottawa, 1941–45]; the Ottawa text is based on the sixteenth-century Piana edition, but the significant variants of the Leonine edition are noted in the apparatus.) The only other article under q. 99 (a. 2) concerns the gender of Adam's children.

⁴³ Ibid., q. 101 (608–10).

⁴⁴ See Thomas Aquinas, *In II Sent.* 23.2.2 (ed. Mandonnet, 575–78), on whether Adam had perfect cognition from the beginning.

ment of Adam's children.⁴⁵ There was a considerable advance too in Thomas's treatment of the cognitive development of the infants. Thomas devoted a single article to this topic in the *Scriptum*,⁴⁶ but in the later treatments, he considered two aspects of their cognition respectively in separate articles: their (habitual) knowledge on the one hand, and their use of reason and their actual understanding on the other. As we shall see, this division brought to the surface a difference between Thomas's position and that of Albert and Bonaventure.

An idiosyncratic treatment of the topic appears in an anthropological treatise incorporated into the *Summa fratris Alexandri*.⁴⁷ This treatise, by an unknown author, was probably added to the *Summa* in the 1260s.⁴⁸ The author's discussion of the infants of Eden is imaginative, lively, and intriguing but difficult to follow. He has a habit of presenting and defending a standard position and then stating, in a personal aside, a divergent opinion of his own. Hence there is a kind of layering, whereby the author superimposes his own opinions over a standard version (roughly that of Aquinas), which he dutifully proposes but cannot entirely accept. Whereas other authors approach the topic in an abstract, syllogistic manner, the anonymous anthropologist prefers to rely on imagination: he works with a mental picture of what original perfection would have been like, using it to determine intuitively what to include and what to exclude.

The latest treatment that I shall mention here is in the *Summa theologiae* traditionally ascribed to Albert, which was probably written in the 1270s.⁴⁹ This is a summary treatment, covering the main points and arguments that had arisen hitherto. The author's own position is close to Thomas's, although there are some striking points of affinity with the treatment by the anonymous

⁴⁵ See idem, *De veritate* 18.4 (Leonine edition 22:538–44), on whether Adam had knowledge of all creatures; and *ST* 1.94.3 (586–87), on whether Adam knew all things.

⁴⁶ Idem, *In II Sent.* 20.2.2 (ed. Mandonnet, 512–15).

⁴⁷ *Summa fratris Alexandri* 1–2, inq. 4, tr. 3, q. 2, membrum 2, cc. 2–3 [= nos. 502–3] (716–23). The author reversed what had become the usual sequence, treating cognition first (no. 502) and the use of members second (no. 503). Traditionally ascribed to Alexander of Hales (ca. 1185–1245), this summa was a product of the Franciscan school in Paris and was not the work of Alexander himself, whose relationship with the project remains unclear. See Victorin Doucet, “The History of the Problem of the Authenticity of the Summa,” *Franciscan Studies* 7 (1947): 26–41 and 274–312 (an English rendering of Doucet’s original discussion, in Latin, of the authorship problem in the prolegomena to vol. 3 of the *Summa fratris Alexandri* in the Quaracchi edition).

⁴⁸ See Doucet, “History,” 310–11. The supplement (an appendix to the first part of the second book of the summa) consists of two treatises, respectively entitled *De corpore humano* and *De coniuncto*. The articles that concern us are in the latter treatise.

⁴⁹ Albertus Magnus [?], *Summa theologiae* 2.14.85 arg. 1 contra (*Opera omnia* 33:135a).

anthropologist in the *Summa fratris Alexandri*. There is considerable room for doubt as to whether Albert was really the author of this summa (although the editors of the Cologne *Opera omnia* count it as authentic).⁵⁰ But this problem has little relevance here, and I shall refer to the author as Albert in what follows.

THE USE OF MEMBERS

Augustine, in the second part of his discussion, focused on the infants' behavior: their ability to walk, to find the breast, and so on. The thirteenth-century schoolmen approached this aspect of topic somewhat differently, by reflecting on the infants' "use of members" and emphasizing the physical condition of the members, such as the weakness of the infants' limbs. This emphasis was congruent with an approach dependent on medicine.

Albert was the first to make that approach. Infantile debility, according to Albert, is a result of the peculiar *complexion* of human beings,⁵¹ and for that reason, it is both natural and consistent with human dignity. Augustine argued that like the young of some irrational animals now, the infants of Eden would have been able to find the breast, to feed themselves, and even to walk. But Albert suggests that they would have been incapable of these actions because of the natural softness (*mollities*) of their immature bodies. To the objection that humans are by nature more dignified than all other animals, and that dignity implies an upright posture, Albert replies that the softness of infantile limbs is a result of the distinctive complexion of human beings, which is nobler than that of any other animal. Contrariwise, animals that are fully mobile at birth have hard, rigid members and a hairy skin, which are ignoble features resulting from an earthy complexion.⁵²

⁵⁰ See Philip Lyndon Reynolds, *Food and the Body: Some Peculiar Questions in High Medieval Theology* (Leiden, 1999), 176–77.

⁵¹ On complexion, see *ibid.*, 106–8, and the sources cited there. Complexion is the mixture and coordination of opposing qualities, elements, and humors in an animal's body. Although these components should be balanced and well tempered in a healthy animal, proper complexion varies naturally according to species, gender, and age. Some animals are naturally earthier than others, for example, or drier; women are naturally cooler and moister than men (it is because they are cooler that most women cannot completely concoct semen from blood); and the young are relatively warm and moist, while the old are correspondingly cold and dry.

⁵² Albertus Magnus, *In II Sent. 20.7 ad 1* (*Opera omnia* 27:349). Cf. Robert Louis Stevenson, *Dr. Jekyll and Mr. Hyde*, chap. 10 (quoted from the Penguin edition): "Now, the hand of Henry Jekyll (as you have often remarked) was professional in shape and size; it was large, firm, white and comely. But the hand which I now saw, clearly enough in the yellow light of a mid-morning, lying half shut on the bed-clothes, was lean, corded, knuckly, of a dusty pallor, and thickly shaded with a swart growth of hair. It was the hand of Edward Hyde."

Arguments from the nobility of the human complexion are linked to arguments about the naturalness of human development. Bonaventure argues that the infants' stature and their use of members would probably have increased gradually because their development "would not have been miraculous, but natural, even in the time of instituted nature." The tenderness of human members is a result of "the goodness of [their] complexion and the congruence of [their] nature." Because of its nobility, the human body naturally undergoes development from a weaker to a stronger complexion, and infantile members in any species are always more tender than adult ones.⁵³ Similarly, supporting arguments in Albert's *Summa theologiae* establish that the infants of Eden would have been born needing development in power and stature because the human body is necessarily tender when it is still small, for it is natural for the body to grow in strength as well as in size as it ages.⁵⁴ Development is itself part of human nature, for "it pertains to the natural attributes of human beings that in accordance with the progress of ageing, they receive increase of substance and of capability [*virtus*]."⁵⁵ Moreover, it is natural for any animal to be relatively soft and tender when it is still near to its origin, since semen itself is moist and fluid.⁵⁶

Thomas's position on the "use of members" question is essentially the same as that of Albert and Bonaventure, but he puts more emphasis on conceptual issues pertaining to nature and teleology. Without ruling out the possibility that God might have endowed the infants with gifts above the ordinary course of nature, Thomas argues that there is no reason to suppose that God did so in fact. Life normally proceeds in a cycle that begins and ends in deficiency. We know that those in Eden would not have experienced the latter phase, for there would have been no sickness or senility, but there is no reason why they

⁵³ Bonaventure, *In II Sent.* 20, dub. 5 resp. (*Opera omnia* 2:488b): "Teneritudo enim membrorum debetur proli hominis propter bonitatem complexionis et congruentiam naturae, quae procedit a debiliiori complexione ad fortiorum; unde parvuli habent teneriora membra quam adulti. Processus autem in incremento non esset miraculosus, sed naturalis, etiam tempore naturae institutae; et ideo Magister hunc modum dicendi magis approbat."

⁵⁴ Albertus Magnus [?], *Summa theologiae* 2.14.85 arg. 1–3 contra (*Opera omnia* 33:135a). By "supporting arguments," I mean arguments that appear in the article prior to the response (the "corpus"), but which support the position that the author proposes in the response. The author is not obliged to agree with these arguments (as distinct from their conclusions), although the schoolmen generally use them to develop aspects of the positions that they uphold. I use the term *contra* to designate those arguments which belong to the second of the two opposing sets of preliminary arguments, regardless of which set (if any) supports the position that the author proposes in the response. In this case, the arguments *contra* are supporting arguments.

⁵⁵ Ibid. arg. 2 contra: "Sed de naturalibus hominis est, quod secundum processum aetatis accipiat incrementum substantiae et virtutis."

⁵⁶ Ibid. arg. 3 contra.

should not have *begun* life in deficiency.⁵⁷ Whereas the deficiency of old age is a result of corruption, which would have had no place in Eden, infants are deficient merely because they have been generated.⁵⁸ Because Adam's formation from the dust of the earth was the immediate work of divine power, it was instantaneous; contrariwise, because the propagation and formation of his children was a work of nature, it was gradual.⁵⁹

The aim of such arguments is to deduce from very general, supra-biological principles that the weakness of infants is natural, but the scholastics rarely propose a biological explanation. To be sure, they assume that a high level of moisture in the infant causes weakness, but apart from pointing out that the infant is nearer to the moist origins of life (i.e., to seminal fluid), they do little to explain why nature requires the infant to be moist. But Thomas does present two biological explanations in a *sed contra*. Neither argument is predicated on the moist complexion of infants. The premise of one argument is that the capabilities of a living body of a particular species are naturally proportional to its size. Since the human body of Adam's children would necessarily have been small at first because of the capacity of the mother's womb (as Augustine pointed out), its powers would have been small too, and they would have grown in proportion to its size.⁶⁰ The other argument is more specific but also more tenuous. It concerns the relationships among the body's powers. One would expect the infant's bodily powers to develop in step with the power of sexual reproduction. Now, it is natural for the reproductive power to remain imperfect as long as the body is growing, during the first two seven-year periods of life (i.e., *infantia* and *pueritia*). There are two reasons. First, the digestive power is itself incomplete then (and semen is a *superfluitas ultimi cibi*, i.e., a byproduct of surplus nutriment in its most refined state, at the last stage of digestion and assimilation).⁶¹ Second, as long as the body is still growing, any surplus nutrimental humor (whose primary function is to sustain the individual, rather than the species, by replacing material consumed by vital heat) goes toward growth. But if the reproductive power increases gradually, therefore, so also do the other corporeal powers.⁶²

⁵⁷ Thomas Aquinas, *In II Sent.* 20.2.1 resp. (ed. Mandonnet, 510).

⁵⁸ Idem, *ST* 1.99.1 ad 4 (605b).

⁵⁹ Idem, *In II Sent.* 20.2.1 ad 3 (ed. Mandonnet, 511).

⁶⁰ Ibid. sed contra 1 (ed. Mandonnet, 509–10). The *sed contras* do not have to express Thomas's own views, although they are usually statements of standard arguments that he did not find problematic.

⁶¹ See Reynolds, *Food and the Body*, 9–10 and the sections listed under “digestion, stages of” and “semen” in the index.

⁶² Thomas Aquinas, *In II Sent.* 20.2.1 sed contra 2 (ed. Mandonnet, 510).

Just as Hugh distinguished between mere nescience and ignorance, so the thirteenth-century masters distinguish between natural tenderness and faults that are the result of corruption. The Albert of the *Summa theologiae* defines infirmity as “the lack of a capability [*virtus*] when that capability ought to be present,” and he argues that while infirmity is a penalty for original sin, tenderness is natural. Tenderness, unlike infirmity, is merely a lack of power and not the privation of a due power.⁶³ Thomas uses the term *infirmitas* to include weakness of both sorts, but he distinguishes between a natural, morally indifferent infirmity and the “infirmity of guilt” (*infirmitas culpae*), which entails hunger, tears, and so on. Only infirmity of the first sort would have existed in Eden.⁶⁴ To the objection that their incapacity would have caused the infants in Eden to suffer distress because they would have been unable to fulfill all their desires, Thomas replies that in a state of pristine nature, they would have desired nothing inappropriate or beyond their capacity.⁶⁵

Like Albert and Bonaventure, Thomas argues that the root cause of the debility of infants is the noble complexion of human beings. But he pursues the explanation further, arguing that the naturally moist complexion of human infants not only causes their members to be “soft” (*mollis*) but also affects the motor nervous system. Because the human head is proportionately larger than that of many other species, moisture is especially abundant in it. Surplus moisture in the infant’s brain impedes the nerves that are responsible for movement, which begin in the brain and are numerous there.⁶⁶ Contrariwise, animals with greater corporeal power at birth also have a drier complexion, and their young enjoy greater use of their members because their brains are less moist. Moreover, inasmuch as such animals are less noble than human beings, they have a correspondingly narrower repertoire of operations, so that a smaller power (*virtus*) suffices to bring about their characteristic acts.⁶⁷

Although these scholars maintain that infantile debility is natural and that the infants of Eden would have lacked strength, most of them (Albert may be the exception) maintain too that those infants would have been stronger and more capable than infants are in the fallen state. This thesis enables them to conciliate Augustine and to save part of his position. Bonaventure explains

⁶³ Albertus Magnus [?], *Summa theologiae* 2.14.85 ad 2 (*Opera omnia* 33:137a): “*infirmitas esse non reputatur, sed natura talis teneritudo, nisi sit carentia virtutis quando debet adesse virtus, sicut in aliis animalibus caecus non reputatur catus, nisi post tempus quando visio debet adesse.*”

⁶⁴ Thomas Aquinas, *In II Sent.* 20.2.1 ad 4 (ed. Mandonnet, 511–12). See also *ST* 1.99.1 ad 1 (605).

⁶⁵ Idem, *De veritate* 18.8 ad 1 (Leonine edition 22:558–59); *ST* 1.99.1 ad 3 (605b).

⁶⁶ Idem, *In II Sent.* 20.2.1 ad 5 (ed. Mandonnet, 512); *ST* 1.99.1 resp. (605a).

⁶⁷ Thomas Aquinas, *De veritate* 18.8 ad 6 (Leonine edition 22:559b); *ST* 1.99.1 ad 2 (605b).

that when Augustine spoke disparagingly of the debility of present-day infants, he was referring not to any imperfection of their members but to the “unfitting concomitants” of infancy.⁶⁸ Bonaventure does not say what those concomitants are, but he clearly presupposes, as regards infantile behavior, a distinction between mere imperfection (i.e., incompleteness or immaturity) and ignoble aspects of infantile behavior that are the result of corruption.

Thomas develops this idea with some care, retaining thereby the teleology implicit in Augustine’s account: infants ought to be able to accomplish the actions that befit their stage of life. Scripture teaches that “God made man right” (*Ecclesiastes* 7:30), and because of original rectitude, the body was completely in harmony with the soul. The infants of Eden, therefore, “as soon as they were born, would have had sufficient capability not of moving their members for acts of every kind, but for those acts appropriate to childhood, such as sucking at the breast, and other acts of that sort.”⁶⁹ The infants of Eden were weak, therefore, but their weakness was not that “which is apparent in children now even in respect of those acts which befit childhood,” as Augustine makes clear.⁷⁰ Thomas’s position in this respect is closer to Augustine’s than Albert’s is.

The position of the anonymous anthropologist is basically the same, but because he prefers to *imagine* what Eden would have been like, he comes down from abstract generality and goes into more detail. He agrees with Augustine that the infants of Eden would have had appropriate use of their members from birth, as some irrational animals do even now; they would have been able to use their hands and feet properly; and they would have been able to walk, to follow their mothers, and to do whatever else was necessary in their situation. They would have been able to use their tongues as well, but probably only to eat, and not to speak. The author adds that although he asserts nothing categorically on the latter point, his position is reasonable because the actual *use* of language is not a necessary component of the being (*esse*) of humans but only of their well-being (*bene esse*).⁷¹ The point of the distinction

⁶⁸ Bonaventure, *In II Sent.* 20, dub. 5 (*Opera omnia* 2:488b): “Verbum autem Augustini . . . intelligitur de infantia ratione incommodorum concomitantium eam, non ratione imperfectionis membrorum.”

⁶⁹ Thomas Aquinas, *ST* 1.99.1 resp. (605a): “Dicendum est ergo quod pueri mox nati non habuissent sufficientem virtutem ad movendum membra ad quoslibet actus, sed ad actus pueritiae convenientes, puta ad sugendum ubera, et ad alia huiusmodi.”

⁷⁰ *Ibid.* ad 1 (605a–b): “Dicendum quod Augustinus loquitur de ista infirmitate quae nunc in pueris appetit etiam quantum ad actus eorum pueritiae convenientes.” Cf. Albertus Magnus [?], *Summa theologiae* 2.14.85 ad 1 & ad 3 (*Opera omnia* 33:137a): the infants of Eden would have been able to do whatever beffited their stage of life, as Augustine says.

⁷¹ This is a common but flexible scholastic distinction. In its strict application, it works thus: If X belongs to Y according to *esse*, X is essential to Y and sine qua non (i.e., without X,

in this context is unclear, but the author may mean that speaking, unlike eating, is not normally necessary for survival.

What moves the author to emphasize the physical capability of the infants of Eden is not only teleology (as in Thomas) but a keen sensibility regarding what is noble or ignoble. Contrary to Albert, the author insists (in one of his personal asides) that the infants of Eden would have been able to walk in an upright posture:

it seems absurd to propose that a rational creature that had never been distorted by vice and was endowed with the rectitude of original justice should at some time have got around as the beasts do, contrary to its proper nature, as infants do now who get from place to place by walking on their hands and feet. Therefore it may be said that the modern infirmity of babies, as a result of which they are unable to stand up and use their members properly, is a penalty for sin and attests to the infirmity of original sin.⁷²

It is true that the infants' limbs would have been tender, he concedes, for such tenderness is a result of the noble complexion and excellent nature of the human being. Christ himself, the author adds (citing an unknown authority), is said to have been extremely tender because of the nobility of his nature.⁷³ Therefore it might seem that the infants' limbs would have been too weak to support their bodies. But although their bodies were tender, they were also, like Adam's, impassible: no matter how hard they stubbed their toes while walking, for example, they would have suffered no injury. The body in the condition of original justice was perfectly subject to the soul, and the body itself was endowed with greater powers than it is now. Therefore the infants' "little legs" would have been fully able to support their bodies.⁷⁴

there is by definition no Y). But if X belongs to Y according to *bene esse*, X is accidental and Y might exist without X, but X fulfills and manifests the essence of Y. Such features are different from Y's proper accidents, such as heat in relation to fire, whose non-concomitance is impossible. (These are *sine qua non* in a consequential manner: if the essence were there, the accident would necessarily follow.) But the premise here (whereby eating solid food belongs to *esse*, and speaking to *bene esse*) is obscure.

⁷² *Summa fratris Alexandri* 1-2, no. 503, resp. (721b): "Absurdum enim videtur ponere quod rationalis creatura, quae nunquam fuerit vitio incurvata, sed praedita rectitudine iustitiae originalis, aliquando modo bestiali contra usum naturae propriae ambularet sicut faciunt modo parvuli qui, manibus et pedibus ambulantes, se de loco ad locum transferunt. Potest ergo dici quod infirmitas moderna parvulorum, quo non possunt assurgere ad officia membrorum, est pena peccati et infirmitati originalis culpae attestatur."

⁷³ Perhaps medieval class ideology intrudes at this point: one would expect peasants and manual workers to be tough and hard, and noble persons to be refined, soft, and gentle.

⁷⁴ See *Summa fratris Alexandri* 1-2, no. 503, arg. 1 contra (721a), and the author's reply to this "objection," ad 1 (722a).

To solve the objection that the body's power would have been proportionate to its stature, the author offers two alternative responses: perhaps such infants would have been bigger than now; or, even if one concedes that they would have been as small because of the size of the mother's womb, perhaps their bodies would have been both more powerful per se and more subject to the soul.⁷⁵ Regarding the argument that the other powers of the body would have grown alongside the power of sexual reproduction, the author simply refuses (not unreasonably) to concede any necessary parallel. He interprets the command to "increase and multiply" (Genesis 1:28) as meaning that by a divinely instituted order, the human body has to grow (to "increase") before it becomes reproductive.⁷⁶ No such precept affected the infants' ability to walk.

The author considers an objection regarding the purpose of women's breasts. Breasts are given to mothers by nature, and nature does nothing in vain.⁷⁷ It follows that the infants of Eden would have been suckled. But why would they have needed to be suckled unless they were weak and toothless?⁷⁸ Our anthropologist rebuts these arguments. Even if the infants were toothless, it does not follow that they could not use their hands and feet. But why should we assume that they would have been born toothless? Some irrational animals are born with teeth, and "it seems quite absurd" to propose that prior to sin, human beings would have lacked any natural perfection at any stage of life. In any case, mothers in Eden might not have needed to suckle their young:

Besides, [the infants] would have used and been nourished by the fruits of paradise, some of which were perhaps more tender and better suited to babies, and others more solid and better suited to adults. For one does not find it written [in Scripture] that human beings in that state, before the Fall, were given nutriment of any kind other than the fruits of paradise. Nor would it follow that breasts would have been given to woman in vain, just as they were not given to man in vain. Rather, they were given to her for the beauty and

⁷⁵ Ibid., ad 2 (722).

⁷⁶ Ibid., ad 3 (722b).

⁷⁷ Cf. Aristotle, *De anima* 3.9 (432b21–23): "Nature does nothing in vain, nor is it deficient in necessary things." Cf. Jacqueline Hamesse, ed., *Les auctoritates Aristotelis* (Louvain, 1974), 188, no. 168 (from Aristotle, *De anima* [432b21–23]): "Natura nihil facit frustra, unde non deficit in necessariis, nec abundat in superfluis"; ibid., 161, no. 18 (from *De caelo et mundo* [271a33]): "Deus et natura nihil faciunt frustra."

⁷⁸ *Summa fratris Alexandri* 1-2, no. 503, arg. 4 contra (721b). Cf. Albertus Magnus [?], *Summa theologiae* 2.14.85 arg. 4 contra (*Opera omnia* 33:135a): Women would have had breasts in the original state, since these are part of human nature; the very purpose of breasts is to nourish the child when it is still small, deficient in power, and very tender (*tenellus*); therefore it seems that the infants of Eden would have had these imperfections.

integrity of the human body. And it seems to me that this response approaches the truth more closely and is more consistent with the nobility of that state.⁷⁹

COGNITION AND THE BRAIN

The schoolmen reasoned that the root cause of the unintelligence or ne-science of human infants was the same as that of their physical debility: the complexion of the immature body. The infant's brain could not adequately support intellectual cognition. That theory may seem quite modern at first glance, but the appearance is deceptive. On the one hand, unlike most experts today, the schoolmen assumed that the intellect was non-organic: its acts, unlike those of the senses, were not the acts of an organ.⁸⁰ To explain the effect of complexion on cognition, therefore, theologians had to explain how the intellect depended on the brain. On the other hand, they had a simpler, more direct account than would be plausible today of how animals perceive sensible forms. Nothing in the nature of "encoding" was required. In their view, to sense something was to receive its accidental forms as "sensible species." For example, it is by virtue of a sensible species of a stone in the eye that eye sees the stone.⁸¹ Needless to say, the modality of the form in the sense organ is not the same as its modality in the object,⁸² but the form is nevertheless, in some qualitative sense, the same form.

⁷⁹ *Summa fratris Alexandri* 1-2, no. 503, ad 4 (723): "Praeterea, usi fuissent et nutriti essent fructibus paradisi, quorum quidam forte erant teneriores et magis parvulis congrui, et quidam solidiores et magis convenientes adultis. Non enim reperitur scriptum quod aliquod aliud genus alimenti a fructibus paradisi in statu illo homini concederetur ante lapsum. Nec propter hoc frustra essent ubera data mulieri sicut nec data sunt viro frustra, sed essent illi data ad decorum et integritatem corporis humani. Et haec responsi videtur mihi magis appropinquare veritati et magis consona esse nobilitati illius status." The argument that teeth or breasts would be present as integral parts of human nature, even if they served no functional purpose, is derived from a line of reasoning traditionally applied to the presence of bowels, genitalia, etc., in the resurrected body, where they would no longer have any organic function. Cf. Thomas Aquinas, *In IV Sent.* 44.1.2.

⁸⁰ Cf. Aristotle, *De anima* 3.4 (429a24–27); and Thomas Aquinas, *In II Sent.* 20.2.2 arg. 1 (ed. Mandonnet, 512).

⁸¹ See Philip L. Reynolds, "Spiritual Cognition in Thomas Aquinas," *The Thomist* 67 (2003): 505–38, at 507–10.

⁸² Cf. Thomas Aquinas on "spiritual immutation": *ST* 1.78.3 resp. (475b) and 1-2.23.2 ad 3 (843b).

Albert's account, while brief, is technical and precise.⁸³ Replying to the objection that ignorance is a penalty for sin, Albert explains that because the infant's constitution is still soft (*mollis*), the complexion of the infant's brain is too humid and thus too fluid and changeable for clear thought.⁸⁴ That is why Aristotle says in the *Physics* that "it is in settling down and becoming quiet that the soul becomes knowing and prudent."⁸⁵ It would be *unnatural*, Albert argues, the complexion of the infant's brain being what it is, if infants were capable "of the strong impression of species and of strong conversion upon them."⁸⁶ Albert is referring here to the intentional forms in the knower by which the knower knows the known.⁸⁷ The "conversion" to which he refers is the actual consideration of things through intelligible species (which are retained in the possible intellect as habitual forms). It is less clear what he means by "impression" in this context, but the term probably includes the reception of sensible forms that are actually present to the external senses.

Bonaventure's account of the intellect's dependence on the brain is apparently dependent on Albert's. The cognition of the infants of Eden, he argues, would have developed gradually because the soul "imitates the complexion of the body," even though the soul *per se* does not undergo alteration over time. To illustrate how the moist complexion of the infant's brain precludes the

⁸³ On Albert's cognitive theories, see Nicholas H. Steneck, "Albert the Great on the Classification and Localization of the Internal Senses," *Isis* 65 (1974): 193–211; and idem, "Albert on the Psychology of Sense Perception," in *Albertus Magnus and the Sciences: Commemorative Essays 1980*, ed. James A. Weisheipl, Studies and Texts 49 (Toronto 1980), 263–90.

⁸⁴ Albertus Magnus, *In II Sent.* 20.7 ad 2 (*Opera omnia* 27:349b). The idea is that fluid, watery substances receive impressions easily but cannot retain them, while the opposite is true of solid substances, which are earthy and dry: cf. Albertus Magnus, *De nutrimento et nutritibili* 1.1 (*Opera omnia*, ed. Borgnet, 9:325b–326a).

⁸⁵ "Sedendo et quiescendo fit anima sciens et prudens" (*Opera omnia* 27:349b); cf. Aristotle, *Physics* 7.3 (247b9–11). Thomas cites this *auctoritas* to the same effect in *In II Sent.* 20.2.2 sed contra 1 (ed. Mandonnet, 513). In the passage from which it comes (247b9–248a9), Aristotle contrasts the unintelligence of children with the intelligence of older persons, explaining that the former is a consequence of the restlessness and perturbation of their souls, which he compares to intoxication. From this, he deduces that becoming knowledgeable and intelligent is not an alteration of the intellect *per se* but only *per accidens*, through association with the body, an argument that looks Platonic, as Thomas notes (as if knowledge were innate and but suppressed in childhood): see *In VII Phys.*, c. 3, lect. 6 (ed. M. Maggiòlo, *In octo libros Physicorum Aristotelis expositio* [Turin, 1954], 476, no. 926): "Quod autem Aristoteles hic de acceptione scientiae dicit, videtur esse secundum Platonicam opinionem."

⁸⁶ Albertus Magnus, *In II Sent.* 20.7 ad 2 (*Opera omnia* 27:349b): "non est naturale, quod molli existente et fluida complexione cerebri, sit fortis impressio specierum et fortis conversio super illas: talis autem fluxus est in pueris."

⁸⁷ On the function of species in cognition, see Leen Spruit, *Species Intelligibilis: From Perception to Knowledge*, vol. 1, *Classical Roots and Medieval Discussions* (Leiden, 1994).

“strong impression of species and strong conversion upon them” (a phrase that appeared in Albert), Bonaventure draws an analogy: “just as a face is not reflected in moving water, so babies [*parvuli*] are not suited at once to the use of cognition.”⁸⁸ When Aristotle said in the *Physics* that “it is in settling down and becoming quiet that the soul becomes knowing and prudent,” therefore, he was thinking of the “movement and fluidity [*fluxibilitas*]” of the young child’s complexion.⁸⁹

Like Albert and Bonaventure, Thomas reasons that the infant’s complexion affects the brain, which in turn limits the intellect. Hence, Thomas argues, a theologian’s position regarding the cognitive capabilities of the infants of Eden will follow from his position regarding their physical condition.⁹⁰ But Thomas pursues the topic in greater depth than anyone else, using it as a pretext for developing his theory of the relation between intellectual cognition and the brain.⁹¹ By bringing the weight of his cognitive theories to bear on questions about the infants of Eden, Thomas can explain how cognitive ineptitude is natural in infants, and therefore congruent with a state of perfect nature.

To explain how the infant’s complexion naturally impedes cognition, Thomas considers the mediating role of the internal senses and of phantasms in cognition. The intellect is by nature (and thus at birth) a “blank slate” (*tabula rasa*) with nothing written on it. All knowledge begins in the senses.⁹² Absent supernatural intervention, therefore, someone who lacks a sense from birth can never understand the forms that would have arrived through that sense. A congenitally blind person, for example, cannot understand colors. But the intellect does not receive information directly from the external senses but only

⁸⁸ Bonaventure, *In II Sent.* 20, dub. 6 resp. (*Opera omnia* 2:489): “Anima enim, dum est in corpore, complexionem corporis imitatur. Et quoniam in infantia est mollis et fluida complexio cerebri, ideo non potest ibi esse fortis impressio specierum nec fortis conversio super illas. Unde sicut facies non relucet in aqua mota, sic parvuli non essent idonei statim ad usum cognitionis.”

⁸⁹ Ibid. (*Opera omnia* 2:489a–b): “verum esset in eis illud verbum Philosophi, quod dicit, quod ‘in sedendo et in quiescendo fit anima prudens et sciens,’ cum *sessio* et *quies* dicatur contra motum et fluxibilitatem complexionis.”

⁹⁰ Thomas Aquinas, *In II Sent.* 20.2.2 resp. (ed. Mandonnet, 513).

⁹¹ On the role of the brain in intellectual cognition, see Robert Pasnau, *Thomas Aquinas on Human Nature* (Cambridge, 2002), esp. 285–86, but also the other references under “brain, role in cognition” in the index.

⁹² See *In II Sent.* 23.2.2 arg. 3 (ed. Mandonnet, 575), where Thomas refers to the relevant passage in the *De anima* albeit without explicitly mentioning the *tabula rasa*. On the possible intellect as *tabula rasa*, see *De veritate* 18.7 resp. (Leonine edition 22:556, lines 116–17), and *ST* 1.101.1 sed contra & resp. (608–9). The source of the simile is Aristotle, *De anima* 3 (429b30–440a2).

via the internal senses, namely, the common sense, imagination, the memorative sense (sense memory and reminiscence), and the estimative or cogitative sense.⁹³ The last three (imagination, memory, and estimation or cogitation) are involved in the production of phantasms, working together to replicate or re-present sensations in the absence of the relevant objects.⁹⁴ To acquire information through abstraction, therefore, the intellect works not with occurrent sensations but with phantasms. Thus Thomas frequently states the maxim, adapted from Aristotle, that phantasms are to the intellect what colors are to vision.⁹⁵

All the internal senses, just as much as the external ones, have organs, and the act of an internal sense is an act of an organ. The schoolmen accepted without serious criticism a traditional localization, Galenic in origin, of the sensitive and cognitive faculties in three ventricles of the brain.⁹⁶ Common sense and imagination are in the anterior ventricle; the cogitative or estimative sense is in the middle ventricle; and sense memory is in the posterior ventricle. Likewise, the occurrence of a phantasm (a sensation-like appearance of an object not actually present to the external senses) always takes place in an organ (such as that of imagination).⁹⁷ Although intellectual acts per se are not

⁹³ Thomas's fullest accounts of the internal senses are in *Quaestiones disputatae de anima* 13 resp. (Leonine edition 24.1:115–20) and *ST* 1.78.4 (477–79). Thomas rejects the commonplace assumption that *imaginatio* and *phantasia* are distinct senses (respectively retentive and creative) and indeed treats the two terms as synonymous: see Roberto Busa, “De *phantasia* et *imaginazione* iuxta S. Thomam,” in *Phantasia-Imaginatio: V° Colloquio Internazionale [del Lessico Intellettuale Europeo]* Roma 9–11 gennaio 1986, ed. M. Fattori and M. Bianchi (Rome, 1988), 135–52, at 136–37. For a survey of the history of the internal senses, see Harry Austryn Wolfson, “The Internal Senses in Latin, Arabic, and Hebrew Philosophic Texts,” *Harvard Theological Review* 28 (1935): 69–133. This article is still useful, but one should read it in the light of corrections in later works, such as F. Rahman, *Avicenna's Psychology* (London, 1952), and Steneck's work on Albert (n. 83 above). On sensory cognition in Aquinas, see Edward P. Mahoney, “Sense, Intellect, and Imagination in Albert, Thomas, and Siger,” in *The Cambridge History of Later Medieval Philosophy*, ed. Norman Kretzmann, Anthony Kenny, and Jan Pinborg (Cambridge, 1982), 602–22.

⁹⁴ Thomas rarely mentions that the estimative/cogitative sense (which is responsible for practical choices) is involved in the production of phantasms, but consider *ST* 1.89.5 resp. (554b, lines 30–34): “Actus autem intellectus ex quibus in praesenti vita scientia acquiritur, sunt per conversionem intellectus ad phantasmata, quae sunt in praedictis viribus sensitivis.” The aforesaid powers are the imaginative, cogitative, and memorative faculties (see *ibid.*, lines 15–17). Thomas seems never to locate phantasms in the common sense, as Mahoney notes in “Sense, Intellect, and Imagination,” at 607 n. 18.

⁹⁵ See, e.g., *De veritate* 18.8 ad 4 (Leonine edition 22:559). Cf. Aristotle, *De anima* 3.7 (431a14).

⁹⁶ For a handy summary of this history, see Simon Kemp, *Cognitive Psychology in the Middle Ages* (Westport, Conn., 1996).

⁹⁷ Thomas Aquinas, *ST* 1.85.1 ad 3 (525b); *In IV Sent.* 50.1.1 arg. 4.

the acts of an organ, therefore, they are dependent on organs, and the condition of an organ may affect them *per accidens*.⁹⁸

Thomas distinguishes between (a) the acquiring of knowledge through abstraction, as a result of which the possible intellect retains intelligible forms as habits of knowledge; and (b) the actual understanding of what those forms represent. As well as depending on phantasms for information, the intellect needs them actually to understand and to think about what it already knows, for one cannot fully understand a universal form without considering how it would be instantiated in a sensible particular.⁹⁹ Hence the condition of the brain may affect or impede not only the acquiring of new information, but also the actual understanding of what is already known. For example, a previously sighted person who *becomes* blind can still understand color, but an injury to the anterior ventricle of the brain, as in frenetics, may prevent even a seeing person from thinking about colors, because of the intellect's instrumental dependence on phantasms in the imagination.¹⁰⁰

It should now be clear how the condition of the brain, in Thomas's view, influences cognition, and how the immaturity of the infant's brain limits the infant's intellectual capability, even though the intellect *per se* is not organic. The root cause, again, is the infant's complexion, which is naturally moist because the individual's life begins in humors (i.e., in seminal fluid).¹⁰¹ Although this moisture has little or no effect on the organs of the external senses, those of the internal senses are considerably affected because the brain is by nature an especially moist part of the body.¹⁰² The same, in all probability, would have been true of the infants of Eden: even if the external senses were especially acute (because of their pristine condition and the subordination of the body to the soul), abundance of moisture in the brain would have limited the infants' intellectual capacity:

Hence, since it is necessary that moisture is abundant in children, and especially in the brain, wherein the imaginative, estimative, and memorative pow-

⁹⁸ Idem, *In II Sent.* 20.2.2 ad 1 (ed. Mandonnet, 514); *De veritate* 18.8 arg. 2 & ad 2 (Leonine edition 22:557, 559).

⁹⁹ Idem, *In II Sent.* 20.2.2 ad 3 (ed. Mandonnet, 514–15). On the need for the intellect to “turn itself” toward phantasms to understand what it already knows habitually, see *ST* 1.84.7 (521–22).

¹⁰⁰ Idem, *In II Sent.* 20.2.2 ad 3 (ed. Mandonnet, 514–15); *De veritate* 18.8 ad 4 (Leonine edition 22:559).

¹⁰¹ Idem, *De veritate* 18.8 ad 5 (Leonine edition 22:559).

¹⁰² Idem, *In II Sent.* 20.2.2 ad 4 (ed. Mandonnet, 515); *De veritate* 18.8 ad 5 & resp. (Leonine edition 22:559b, 558). There is an obvious loophole in the argument here: if the brain is naturally moist, one would expect excessive moisture to have less affect on its operations than those of drier parts of the body.

ers and the common sense have their organs, it was necessary too that the acts of these powers especially were impeded, and consequently the intellect also, which receives [information] immediately from powers of this sort and turns to them whenever it is in act.¹⁰³

Moisture impedes the internal senses, according to Thomas, because it is naturally fluid and unable to retain forms. The imaginative power is especially susceptible because it is in the anterior ventricle, where moisture is especially abundant. As a result, the phantasms in the infant's imagination are confused. The condition is similar to inebriation, wherein the vapors rising up from wine into the head cause phantasms to become confused.¹⁰⁴ In the *Scriptum*, Thomas argues that this is why young children have only a vague, generalized, quasi-universal grasp of things. Here he cites a favorite dictum from Aristotle's *Physics*: "Children in the beginning call all men 'father,' and later distinguish each one."¹⁰⁵

The intellectual debility of infants at birth is a natural condition and implies nothing penal or guilty. Replying to an objection that ignorance, according to Bede, is a penalty for original sin, Thomas concedes the premise from Bede, but he argues that the infants of Eden would have not have been *ignorant* but only *nescient*, since ignorance is lack of such knowledge as one ought to have at a given time of life.¹⁰⁶ Likewise, in regard to the infants' use of reason, one must distinguish *resistance* by the body, whereby the body oppresses and clouds reason, from the body's mere *inability* to fulfill all that the soul per se

¹⁰³ Idem, *De veritate* 18.8 resp. (Leonine edition 22:558b): "Unde cum necesse sit humiditatem praecipue in cerebro habundare in pueris in quo vis imaginativa et extimativa et memorativa et sensus communis sua organa habent, harum virtutem actus praecipue necesse erat impediri, et per consequens intellectum qui immediate ab huiusmodi potentissimi accipit et ad eas se convertit quandocumque est in actu." See also *In II Sent.* 20.2.2 ad 4 (ed. Mandonnet, 515); *De veritate* 18.8 ad 5 (Leonine edition 22:559); *ST* 1.101.2 resp. (609b). In the last text, Thomas seems to imply that some incapacity in their external senses would also have restricted the infants' cognitive powers (cf. *ST* 1.84.8 resp. [522–23]).

¹⁰⁴ Idem, *In II Sent.* 20.2.2 resp. (ed. Mandonnet, 513–14).

¹⁰⁵ Ibid. (ed. Mandonnet, 514); Aristotle, *Physics* 1 (184b11–14). For a different interpretation of this passage from Aristotle, see *ST* 1.85.3 resp. (529a). The source of the idea, which fascinated Thomas, is in the preamble to the *Physics* (184a ff.), where Aristotle argues that the intellect advances from confusion and generality to exactitude and detail, and thus from things more knowable to us to things more knowable in reality: see Thomas, *In I Phys.*, c. 1, lect. 1, nos. 9–11 (ed. Maggiolo, 3–6).

¹⁰⁶ Thomas Aquinas, *De veritate* 18.7 ad 3 (Leonine edition 22:556b); *ST* 1.101.1 ad 2 (609a). According to the dictum commonly ascribed to Bede, there are four wounds of sin: infirmity, concupiscence, ignorance, and malice. See the note in the Ottawa edition of *ST* (ibid.) on the origin of this popular *auctoritas* (which is not found verbatim in Bede's works). The same argument (with the citation of Bede) appears in *Summa fratris Alexandri* 1-2, no. 502, arg. 1 (716–17).

is capable of doing. In Eden, an infant's brain would have limited reason only in the second way, for the first way is a result of sin.¹⁰⁷ It is in that light that Thomas interprets Wisdom 9:15: "A body that is corrupted weighs down the soul." According to Thomas, the verse does not imply any general pessimism about the human condition or the embodied state but rather refers to a certain clouding (*obnubilatio*) of the intellect that results from original sin. An infant's body in Eden would not have limited its soul in that way, but only by its simple incapacity (*impotentia*).¹⁰⁸

The cognitive capacity of infants in Eden would have been limited not only in respect of the acquisition and possession of knowledge, Thomas argues, but also in respect of their use of reason: their capacity actually to understand and to think about what they already knew habitually.¹⁰⁹ For the intellect cannot act on what it knows without "inspecting" the objects of its knowledge in phantasms. Even Adam, who knew all things through infused species and had perfect cognition, needed phantasms to think about what he already knew.¹¹⁰ Therefore even if the infants of Eden had enjoyed divinely infused knowledge or were illumined by angels, their intellects would still have been impeded and deficient.¹¹¹

THE INFANT'S MIND AND ORIGINAL JUSTICE

Even though they maintained that nescience and cognitive ineptitude were natural in infants, the schoolmen also assumed that the infants of Eden would have been mentally superior to fallen infants (and in some respects even to fallen adults). They differed among themselves, though, as to the manner of this superiority.

Both Albert and Bonaventure argue that the infants would have been born already endowed with habitual knowledge of all natural things. According to Albert, the intelligible species necessary for knowledge would have been

¹⁰⁷ Thomas Aquinas, *De veritate* 18.8 ad 1 (Leonine edition 22:558–59).

¹⁰⁸ Ibid. ad 7 (Leonine edition 22:559); *ST* 1.101.2 ad 1 (609b). Cf. *Summa fratris Alexander* 1-2, no. 502, ad 3 (719a), where the author, again with reference to Wisdom 9:15, distinguishes between corporeal corruption weighing down the soul (*corruptio aggravans*) and corporeal imperfection retarding it (*imperfectio retardans*): only the latter would have affected the infants of Eden.

¹⁰⁹ Thomas Aquinas, *De veritate* 18.8 (Leonine edition 22:557–59); *ST* 1.101.2 (609–10). When Thomas considers the infants' cognition in the *De veritate* and the *Summa theologiae*, he treats these two aspects of cognition separately, devoting one article to the infants' acquisition of knowledge and another to their actual understanding.

¹¹⁰ Idem, *In II Sent.* 20.2.2 ad 3 (ed. Mandonnet, 514–15).

¹¹¹ Ibid. arg. 3 & ad 3; *De veritate* 18.8 ad 4.

present in their possible intellects from birth. Yet this knowledge would have been present only as a gift (*mumus*) and not as to its actual use, just as the newly baptized infant has the gift but not the use of all the virtues.¹¹² As Albert explains later, when discussing Adam's cognitive perfection, the intellect of Adam's infants would have been already perfect in respect of the *habit of knowledge*, yet still imperfect in respect of the *act of consideration*.¹¹³ While accepting that the mind is naturally a *tabula rasa*, therefore, Albert reasons that the infants of Eden would have been already endowed with knowledge of natural things as a special, preternatural gift, but that it would have taken time for them actually to understand and apply that knowledge. Progress would have been akin to Platonic recollection, albeit involving less effort.

Similarly, Bonaventure argues that the infants would probably have been born with perfect knowledge, yet only as a habit and not in actuality. Because of the "ineptitude of the organ" (i.e., of the brain), they would not have had knowledge "in respect of actual consideration."¹¹⁴ Like the virtues in a newly baptized infant, their knowledge would have been present as a gift but not as to use. Hence they would have advanced in understanding, as fallen infants do, but with this difference: as their complexion matured, they would have achieved actual understanding at once (*statim*), without toil and effort (*sine penuria et labore*).

Thomas Aquinas rejected this theory, partly because of his attention to the distinction between the acquisition and the use of knowledge, and partly because of his attention to the difference between Adam's situation and that of Adam's children. To appreciate why Thomas rejected the theory, therefore, one needs to remember why Thomas attributed cognitive perfection to Adam.

Like all scholastic theologians of the period, Thomas believed that "Adam, as the source of the entire human race, received every perfection that befits human nature at his own beginning, in respect of his soul as well as his body, so that he was empowered to propagate the others corporeally and to instruct their understanding."¹¹⁵ Thomas treated this a necessary and even metaphysi-

¹¹² Albertus Magnus, *In II Sent.* 20.7 ad 2 (*Opera omnia* 27:349b). The point about baptism comes from Peter Lombard, *IV Sent.* 4.7 (2:262–63, no. 5).

¹¹³ Albertus Magnus, *In II Sent.* 23.1 ad 2 (*Opera omnia* 27:391b).

¹¹⁴ Bonaventure, *In II Sent.* 20, dub. 6 (*Opera omnia* 2:489): "si puer haberet scientiam quantum ad habitum, non tamen haberet quantum ad actualem considerationem propter organi ineptitudinem, sicut etiam non habent dormientes." Cf. *In II Sent.* 23.2.1 ad finem (*Opera omnia* 2:538b), where Bonaventure notes that this theory is only a probable one: "Perfectio autem cognitionis in Adam erat ex dono; et si stetisset, non solum in ipso, sed etiam in posteris non indocte a pluribus creditur similiter fuisse, saltem quantum ad habitum; et hoc dico propter aetatem infantiae."

¹¹⁵ Thomas Aquinas, *In II Sent.* 23.2.2 resp. (ed. Mandonnet, 576): "Hanc autem cognitionem aliter Adam habuit, et aliter ad eam ejus posteri pervenissent: quia natura a perfectis

cal truth, although all assertions about such matters were conditional upon the omnipotence of God. Adam was necessarily perfect because the first being in any order of beings must contain all that may belong naturally to other beings in that order. Discussing Adam's cognition in the *Summa theologiae*, Thomas begins with the metaphysical premise that "in the natural order, the perfect precedes the imperfect, just as act precedes potency, because those things that are in potency are not brought into act except through something already actual."¹¹⁶ Nothing can pass on to others what it does not itself possess, and Adam was the source (*principium*) and the patriarch of the entire human race. He was destined (if there had been no sin) not only to pass on his corporeal nature through procreation, but also to instruct the human race. Therefore he needed such knowledge as was necessary for his own moral discernment, for him to be governor of all creatures, and for him to educate his descendants.¹¹⁷ It follows that from the moment of his creation, Adam already had habitual knowledge of all that a human being can learn through natural reason.¹¹⁸

Furthermore, just as Adam had to be perfect because he was the *first* human being, so he had to be perfect *from the beginning*. Both aspects of his intellectual perfection were in a teleological sense natural and necessary. Thus Thomas says in the *Scriptum* that "Adam would have had this cognition in one way, and his successors would have achieved it in another way, for nature always takes its beginning from perfect things, as Boethius says ... and 'the works of God are perfect,' as it says in Deuteronomy [32:4]."¹¹⁹

Thomas construes the perfection of Adam's knowledge in two different ways, pertaining respectively to knowledge of essences (i.e., the natures of things) and to knowledge of principles and proofs.¹²⁰ One measure of how

exordium sumit, ut Boetius dicit . . . et *Dei perfecta sunt opera*, ut Deut. 32:4 dicitur. Ideo Adam, tanquam principium totius humani generis, omnem perfectionem quae naturae humanae competit, in suo primordio accepit, sicut secundum corpus, ita et secundum animam, ut esset potens ad propagandum alios corporaliter et instruendum intellectum."

¹¹⁶ Idem, *ST* 1.94.3 resp. (586b): "naturali ordine perfectum praecedit imperfectum, sicut actus potentiam; quia ea quae sunt in potentia, non reducuntur ad actum nisi per aliquod ens actu."

¹¹⁷ Idem, *In II Sent.* 23.2.2 resp. (ed. Mandonnet, 576); *De veritate* 18.4 resp. (Leonine edition 22:541); *ST* 1.94.3 resp. (586b).

¹¹⁸ Idem, *De veritate* 18.4 resp. (Leonine edition 22:542, lines 208–11).

¹¹⁹ Idem, *In II Sent.* 23.2.2 resp. (quoted above, n. 115). The reference is to *De consolatione philosophiae* 3, prosa 10 (ed. L. Bieler, CCL 94 [Turnhout, 1957], 53, no. 4, lines 10–14), where Boethius argues that the existence of something imperfect presupposes the existence of something perfect in the same genus, and that nature begins with perfect things and degenerates into imperfect ones.

¹²⁰ These two aspects of cognition are somewhat independent (historically and philosophically) in scholastic thought, although both come under the framework of the *Posterior Analytics* insofar as the principles of a science include real definitions of certain fundamental

much someone knows depends on the theory of intelligible species.¹²¹ On this view, the acquisition of knowledge consists in the reception and abstraction or “spiritualization” of material forms from the external world. The other measure of knowledge came from the theory of science. As Aristotle showed in the *Posterior Analytics*, facts in any true science have to be deduced from (and thus illumined by) prior facts, and so on, so that one grasps not only *that* a proposition is true by *why* it is true. But such reduction would not be illuminating if it went on ad infinitum or in a circle. The entire system must terminate in first principles (such as axioms and definitions), which must *ipso facto* be incapable of proof, since they are first. One assents to first principles not because of the illumination of reason (*epistēmē*; Latin, *scientia*) but simply through understanding (*nous*; Latin, *intellectus*).¹²² Following Boethius, the schoolmen assumed that principles are known because they are self-evident (*per se nota*).

On the one hand, therefore, Thomas argues that Adam must have “had knowledge of all things through species infused by God.”¹²³ That is why Adam was able to give all living things their names (Genesis 2:19–20).¹²⁴ On the other hand, approaching the question epistemologically, Thomas argues that as soon as Adam was created, he already had the explicit, detailed knowledge that is normally the end result (*terminus*) of science, and not only (as we do) the innate knowledge of the first, self-evident principles, which is the source (*principium*) of science. The understanding of first principles is itself a “confused” knowledge of all things, inasmuch as all that follows from them already exists in them “virtually.” Here Thomas compares the normal progress of knowledge to the development of an animal from semen: all its members are virtually present in the seed, but the terminus of their generation is their complete formation in every detail.¹²⁵ But just as Adam did not need to grow up, so his knowledge of all things was not merely virtual but rather extended to actual, explicit knowledge of “all the things that exist virtually in

essences, and therefore express knowledge of these essences. In the normal course of nature, these basic propositions would be innate only in the special sense that one would assent to them immediately (i.e., without proof) as soon as one properly understood subject and predicate, but Adam, according to Thomas’s account, had such understanding at once, without needing experience.

¹²¹ See Spruit, *Species Intelligibilis* (n. 87 above).

¹²² See Richard D. McKirahan, Jr., *Principles and Proofs: Aristotle’s Theory of Demonstrative Science* (Princeton, 1992).

¹²³ Thomas Aquinas, *ST* 1.94.3 ad 1 (587a): “primus homo habuit scientiam omnium per species a Deo infusas.”

¹²⁴ Idem, *In II Sent.* 23.2.2 sed contra 1 (ed. Mandonnet, 576); *De veritate* 18.4 arg. 5 contra & ad 5 (Leonine edition 22:541a, 544b); *ST* 1.94.3 sed contra (586b).

¹²⁵ Idem, *De veritate* 18.4 resp. (Leonine edition 22:541, lines 165–83).

the first, self-evident principles.”¹²⁶ Not included in that epistemology, according to Thomas, are such things as future contingents, the private thoughts of other persons, the workings of divine providence, and “certain singulars, for example, how many pebbles are lying in a river, and things of that sort.”¹²⁷ Because these facts are not in any sense deducible from first principles, they cannot be discovered naturally through inquiry. Moreover, full knowledge of them was not required for Adam’s role as governor of human life.¹²⁸

The original perfection of Adam’s knowledge would have not have precluded progress through experience (*experimentum*) and discovery (*inven-tio*).¹²⁹ Adam’s natural knowledge, Thomas argues, would not have advanced in respect of the *number* of things known,¹³⁰ but it would have progressed in the *manner* in which he knew things, for he would have come to know through experience what he already knew intellectually.¹³¹ And to see what one already knows exemplified in reality is always “delightful to the knower.”¹³²

Thomas argues that there is no reason to attribute the same initial perfection to Adam’s children, even though they would have been in a condition of natural perfection.¹³³ At least in supporting arguments, Thomas reasons (as Hugh did) that the infants in Eden would have been born imperfect in mind and body because “everything generated is imperfect before it is perfected.”¹³⁴ Yet

¹²⁶ Idem, *ST* 1.94.3 resp. (586b): “Et haec sunt omnia illa quae virtualiter existunt in primis principiis per se notis, quaecumque scilicet naturaliter homines cognoscere possunt.”

¹²⁷ Ibid. (587a): “Alia vero, quae nec naturali hominis studio cognosci possunt, nec sunt necessaria ad gubernationem vitae humanae, primus homo non cognovit; sicut sunt cogitationes hominum, futura contingentia, et quaedam singularia, puta quot lapilli iaceant in flumine, et alia huiusmodi.”

¹²⁸ Idem, *De veritate* 18.4 resp. (Leonine edition 22:542, lines 212–17). Thomas argues that Adam would have needed some supra-natural knowledge as well to fulfill his role as patriarch and vicegerent, but that such knowledge was imperfect: see *ST* 1.94.3 resp. (586–87).

¹²⁹ Idem, *In II Sent.* 23.2.2 ad 2 & ad 4 (ed. Mandonnet, 577, 578).

¹³⁰ Thomas must be referring here to universal knowledge, and not to merely singular knowledge, as in the case of the pebbles, which surely would have increased numerically.

¹³¹ Thomas Aquinas, *In II Sent.* 23.2.2 ad 4 (ed. Mandonnet, 578); *ST* 1.94.3 ad 3 (587a).

¹³² Idem, *In II Sent.* 23.2.2 ad 2 (ed. Mandonnet, 577): “Alio modo ut illud quod quis per habitum cognitionis tenet, etiam in rebus videat; hoc enim scienti delectabile est.”

¹³³ Ibid. ad 1.

¹³⁴ Idem, *ST* 1.99.1 sed contra (605a): “omne generatum prius est imperfectum quam perficiatur”; cf. *ST* 1.101.2 sed contra (609b). See also *ST* 3.1.5 ad 3 (2421b), regarding the most fitting time for the incarnation: “in things that are diverse, the perfect is prior to the imperfect both in time and in nature, for it is necessary that what leads other things to perfection is itself perfect; but in one and the same thing, the imperfect is prior to the perfect in time, even though it is posterior in nature” (“Dicendum quod perfectum quidem est prius imperfecto, in diversis quidem tempore et natura; oportet enim quod perfectum sit quod alia ad perfectionem adducit; sed in uno et eodem imperfectum est prius tempore, etsi sit posterius naturae”).

Thomas's case is chiefly negative. On the one hand, there is no reason to attribute Adam's preternatural perfection to them. On the other hand, there is no reason to suppose that their development did not follow the ordinary course of nature. For Adam's cognitive perfection befitted him not only as a human being in a state of natural perfection but also as the unique source (*principium*) of the human race. Adam's children would have been like him inasmuch as he was a human being (an instance of human nature), but not insofar as he was the source, father, and teacher of the human race.¹³⁵ Whereas Adam needed to be already at the terminus of knowing when he came into being, his infants needed only to be at the beginning of knowing.¹³⁶ And since the soul is put in the body to acquire knowledge and virtue, his children would have needed time, instruction, and experience (*experimentum*) to acquire even the habits of knowledge, as well as its use, although they would have become knowledgeable more quickly and more easily than fallen children do.¹³⁷

Thomas's negative reasoning involves a theological principle akin to Ockham's razor. He does not try to *demonstrate* that the children of Eden would have developed gradually. He argues only that there is no reason to suppose that they did not do so. One may not "assert" that the infants were born without knowledge, although that is the "more probable" position. The same goes for any other human perfection. God might have caused the infants of Eden—or any other infants—to have had any perfection from birth, such as capability of movement.¹³⁸ They might have had perfect cognitive powers at first, "but this does not seem necessary either as regards the integrity of nature or as regards original justice."¹³⁹ So also in regard to perfect habitual knowledge: it is possible that God endowed the infants of Eden with such knowledge, but the "integrity of nature" does not require this proposition, and it "cannot be asserted since it is not expressly stated by authority."¹⁴⁰ For only two kinds of evidence are possible here: nature, and the authority of Scripture; and "as re-

¹³⁵ Idem, *De veritate* 18.7 ad 1 (Leonine edition 22:556); *ST* 1.101.1 ad 1 (609).

¹³⁶ Idem, *De veritate* 18.7 resp. (Leonine edition 22:555b). As usual, Thomas does not include Eve in this discussion, although it seems to follow from his logic that she would have come into existence with imperfect cognition, as her children did.

¹³⁷ Idem, *ST* 1.101.1 resp. (609a). See also *In II Sent.* 20.2.2 sed contra 2 (ed. Mandonnet, 513).

¹³⁸ Idem, *ST* 1.99.1 resp. (606a).

¹³⁹ Idem, *In II Sent.* 23.2.2 resp., ad finem (577): "Quidem vero dicunt quod etiam habitus cognitionis omnium rerum mox nati accepissent; sed hoc non videtur necessarium neque quantum ad integratatem naturae, neque quantum ad originalem justitiam."

¹⁴⁰ Idem, *De veritate* 18.7 resp. (Leonine edition 22:556b): "Et haec opinio mihi videtur verior si considereretur id quod naturae integritas requirebat; si autem aliquid aliud ex divina gratia eis fuisse collatum ultra id quod requirit naturae integritas, hoc asseri non potest cum non habetur ex auctoritate expressum."

gards the things that are above nature, one relies on authority alone. Hence when authority is lacking, we ought to follow the condition of nature.”¹⁴¹ Since the possible intellect is by nature a blank slate, there is no reason to suppose that the infants of Eden were born with infused habitual knowledge.

The argument, therefore, turns on what is *natural*, and here Thomas introduces his critique of Platonism. As Thomas understands it, Plato’s theory (with which he was acquainted only indirectly) is that the intellect knows all things even before it acquires a body, and that it somehow forgets everything (except the first principles) when it is joined to a body, yet without losing such memories entirely. On this view, learning is really recollection. Thomas finds the theory to be absurd. Something as natural and good as the rational soul’s union with a body cannot merely hinder the soul. On the contrary, the soul must be perfected by its union with the body; and it is perfected by means of the senses, through which the intellect gets its information.¹⁴²

Likewise, Thomas argues, if one followed Plato one would deduce that the infants of Eden would have had perfect habitual knowledge, for then the body, being perfect, would not have weighed down the soul. But that would be to regard the soul as if it were an angel, which is contrary to the Catholic faith. If instead one follows the better way of Aristotle, according to whom the possible intellect is by nature a blank slate, one will conclude that the infants were born with habitual knowledge only of what was immediately knowable in the light of the agent intellect, namely, the first principles of the sciences.¹⁴³

Nevertheless, just as the infants in Eden would not have been as physically inept as infants are now, so also their use of reason would not have been as deficient.¹⁴⁴ For one thing, they would have acquired knowledge without diffi-

¹⁴¹ Idem, *ST* 1.101.1 resp. (609a): “sicut supra dictum est de his quae sunt supra naturam, soli auctoritati creditur; unde ubi auctoritas deficit, sequi debemus naturae conditionem.” See also *ST* 1.99.1 resp. (605a).

¹⁴² Idem, *ST* 1.84.4 resp. (517a, lines 23–52); and *In II Sent.* 20.2.2 sed contra 2 (ed. Mandonnet, 513). Cf. Gershom G. Scholem, *Major Trends in Jewish Mysticism*, 3d ed. (New York, 1961), 92: Scholem reports that according to a Midrash, the newborn child forgets the infinite knowledge acquired before birth, and that the Kabbalist Eleazar ben Jehudah of Worms (ca. 1160–1238) explained that the child forgets because in the light of such knowledge, the world would drive it mad.

¹⁴³ Thomas Aquinas, *De veritate* 18.7 resp. (Leonine edition 22:556a). Knowledge of first principles is an innate habit inasmuch as one immediately assents to their truth as soon as one actually understands subject and predicate, with no need for middle terms or syllogistic reasoning. Needless to say, one cannot actually assent to their truth, according to Thomas, until one has appropriate phantasms.

¹⁴⁴ Idem, *De veritate* 18.8 resp. (558); *ST* 1.101.2 resp. (609b).

culty.¹⁴⁵ But Thomas maintains that because they would have lived in a state of original justice, the infants of Eden would have had sufficient knowledge for moral discernment.¹⁴⁶ Original justice presupposed all the virtues, especially prudence, but it did not require all forms of knowledge or all the “sciences.” The only form of knowledge that was perfect in the infants of Eden, therefore, was the knowledge of what to choose and what to shun, which pertains to prudence.¹⁴⁷ For although the infants would have been nescient, their innate grasp of the first principles of moral reasoning would have sufficed for appropriate moral and practical decisions as the need arose. Indeed, the infants would have a greater natural ability actually to know these “universal principles of law [*ius*]” than fallen adults have.¹⁴⁸ Thomas is referring to the precepts of the natural law, whose function in relation to the practical intellect and to civil law is the same as that of the first, self-evident principles in relation to the speculative intellect and to demonstrative science.¹⁴⁹

Thomas maintains, therefore, that one should attribute to the infants of Eden only what naturally belonged to them as human beings. But nature in this context is more than whatever flows spontaneously from the essence of each thing. Rather, it is a condition (an “ecosystem,” we should say) in which each thing enjoys a situation that is fully congruent with its own essence, needs, and ends. The schoolmen called this condition “original justice” and characterized it as rectitude.¹⁵⁰ They did not always regard original rectitude as entirely self-supporting. It might require some special, preternatural maintenance from God, if only to obviate potential conflicts and problems. But at least when he discusses the infants of Eden, Thomas seems to overlook or play down the possibility of preternatural influence.

¹⁴⁵ Idem, *ST* 1.101.1 resp. (609a).

¹⁴⁶ Idem, *In II Sent.* 23.2.2 resp. (ed. Mandonnet, 576–77).

¹⁴⁷ Idem, *De veritate* 18.7 resp. (Leonine edition 22:556a, lines 127–33) and ad 2^m (556b).

¹⁴⁸ Idem, *ST* 1.101.1 ad 3 (609a): “Dicendum quod pueri habuissent sufficientem scientiam ad dirigendum eos in operibus iustitiae in quibus homines diriguntur *per* universalia principia iuris, quam multo plenius tunc habuissent quam nunc naturaliter habemus; et similiter aliorum universalium principiorum.” The word *per* (italicized in the above quotation) is a Leonine variant (in place of *et*) noted in the apparatus to the Ottawa edition.

¹⁴⁹ Idem, *ST* 1-2.94.2 resp. (1225).

¹⁵⁰ See Joseph Bittremieux, “La distinction entre justice originelle et la grâce sanctifiante d’après saint Thomas d’Aquin,” *Revue Thomiste* 26 (1921): 121–50; idem, “De instanti collationis Adamo iustitiae originalis et gratiae: Doctrina s. Bonaventurae,” *Ephemerides Theologicae Lovanienses* 1 (1924): 168–73; Berard Marthaler, *Original Justice and Sanctifying Grace in the Writings of Saint Bonaventure* (Rome, 1963); C. J. Peter, “Original Justice,” in *New Catholic Encyclopedia*, 2d ed. (Washington, D.C., 2003), vol. 10; and Walter H. Principle, “Preternatural,” *ibid.*, vol. 11.

The approach of the anonymous anthropologist to this issue is different from Thomas's. He takes a broader view of original rectitude, emphasizing that some special, preternatural gifts would have been necessary to equip the infants for a state of justice and rectitude. He broadens the scope of nature to include such gifts.

He presents his theory in response to the question whether the infants would have enjoyed perfect cognition. Having reviewed the standard arguments, the author concludes that one might make a reasonable case for either side on a general level.¹⁵¹ One might plausibly argue that in a state of original justice, when the spirit was not weighed down by the body (cf. Wisdom 9:15), infants would have had perfect use of reason from the beginning and yet would have advanced gradually in knowledge and in justice, as a result of experience. But with equal plausibility, one might argue that reason would have been imperfect at birth, as it had been in the womb, because of the effects of moisture on the brain; that this deficiency would not have been a penalty for sin and would not have amounted to ignorance; and that it is natural and not ignoble for humans to be more helpless at birth than other animals. But there is no decisive evidence: authorities are lacking, and the only relevant arguments are ones of fittingness. Moreover, it is hard for us, living in darkness and misery, to envisage what a state of pristine, sinless nature would have been like.¹⁵²

Despite that appraisal of our situation, the author carefully defends the theory that the infants of Eden, because of their complexion, would have been nescient and cognitively inept at birth, adding that he is presenting an opinion and not making an assertion. But then he offers his own opinion:

it would seem to me quite absurd to propose that a complete human being would have the rectitude of original justice and yet be entirely lacking in the use of reason. I say “complete human being” in contradistinction to those that are still being nourished in the mother’s womb, where they are still in process of reaching complete being.¹⁵³

The author therefore proposes what he characterizes as a middle position: that the infants would have had some special intellectual illumination as soon

¹⁵¹ *Summa fratris Alexandri* 1-2, no. 502: see the arguments *pro* and *contra* and the beginning of the response (716–18).

¹⁵² *Ibid. resp.* (718).

¹⁵³ *Ibid. ad 5 contra* (719b): “Valde enim videtur mihi absurdum ponere hominem compleatum habere rectitudinem iustitiae originalis et omnino carere usu rationis: hominem compleatum dico, ad differentiam illorum qui in uteris maternis nutririuntur et ibi sunt in productione ad esse compleatum.”

as they were born, sufficient at least for discernment about what they should seek or shun, both as regards what is desirable in the category of the virtuous (*genus honesti*) and as regards what is desirable in the category of the agreeable (*genus commodi*).¹⁵⁴ For as Aristotle says, nature does not lack what is necessary.¹⁵⁵ On the one hand, the infants would have known instinctively from birth what was consonant with or harmful to their nature, just as the lamb instinctively seeks its mother and flees from the wolf. (These goals pertain to “commodious” goods.) On the other hand, they would have advanced gradually in respect of such “honest” goods as the moral precepts and the norms for worshipping God. Yet even so, the author adds, it is “not absurd” to maintain that newborn infants would have already possessed the *habits* of knowing such laws, and that they would have advanced only in the *use* of such knowledge.¹⁵⁶

The Albert of the *Summa theologiae* puts greater emphasis on the naturalness of cognitive development, but in the end, his position is much the same as that of the anonymous anthropologist. Regarding the infants’ knowledge and prudence, Albert argues that they would have been nescient but not ignorant. The intellectual virtues—wisdom, understanding, knowledge, prudence, and art—require time and education to develop.¹⁵⁷ One might object that in the state of original perfection, all human beings would have been made “in the image of God” (Genesis 1:25–27) not only potentially but actually, and that the image includes understanding in the faculty of intellect and moral rectitude in the will. But against this, Albert argues that the image of God is normally realized through practice, whereby potencies are actuated as habits. Thus it was fitting that the infants’ imitation of God was only potential and not yet habitual in the beginning. The imperfection of a potential, partially realized image is quite different from the defectiveness that results when intellect and will are wounded in the Fall.¹⁵⁸ Nevertheless, the author argues, the infants would probably have enjoyed some special illumination so that they could be as discerning about practical and moral matters as was necessary in their condition.¹⁵⁹

¹⁵⁴ Ibid. resp. (718a).

¹⁵⁵ Cf. n. 77 above.

¹⁵⁶ *Summa fratris Alexandri* 1-2, no. 502, resp. (718b).

¹⁵⁷ Albertus Magnus [?], *Summa theologiae* 2.14.85 q^a. 2 ad 1 (*Opera omnia* 33:137–38).

¹⁵⁸ Ibid. ad 2 (*Opera omnia* 33:138a).

¹⁵⁹ Ibid. ad 1 (*Opera omnia* 33:138a): “Probabile tamen est, quod aliquam illustrationem accepissent et sensus et intelligentiae ad discretionem necessariorum.”

CONCLUSION

Medieval theologians may have had several motives for discussing the infants of Eden, but one may treat the discourse as evidence of their view of infancy, using it to reconstruct what they thought about infants in their own day. If one surveys the discourse in a distanced, generalizing manner, overlooking many of the details, subtleties, and points of dispute, one finds that a scholastic theologian's view of infants was as follows.

Infants are obviously feeble, still relatively uncoordinated, and unable to stand in an upright position or to walk. The cause of all these features is their moist complexion, as a result of which their limbs are soft, tender, and lacking in strength. Moreover, their complexion causes an abundance of moisture in the brain, which impedes the motor nervous system, which in turn limits strength and coordination in the limbs. But all of that is quite natural, befitting an early stage in the gradual coming into being of a human individual. Moreover, the softness and moist complexion of babies stems from the nobility of human nature. Contrariwise, less noble animals with earthier complexions (such as those with hairy, leathery skin) are stronger and more capable at birth. Again, less noble animals are more capable at birth because their repertoire of actions is narrower. Even infantile debility, therefore, is a sign of human nobility. Thus far, there is nothing "penal" in human infancy: no evidence of original sin.

Nevertheless, there are features of infantile ineptitude that are not natural but penal. Infants *ought* to be able to accomplish with ease whatever befits their stage of life, but in fact, they cannot: for example, they have trouble finding and latching onto the breast, as Augustine observed. They ought to be more mobile than they are, even if it is perhaps natural for them to get around on their hands and knees instead of in an upright posture (a disputed point). They are unduly vulnerable to pain and injury because their bodies are not properly subject to their souls. Their appetites are distorted and inappropriate, causing them distress. These features are penal. In a condition of sinless rectitude, they would have moderate needs and appetites but no pain, no hunger or thirst, and no tears.

Infants are mentally incapable as well. The root cause of this debility too is their moist complexion, which causes abundant moisture in the brain. Even if their external sense organs are in good working order, moisture impedes the internal senses, whose organs are in the brain; and the intellect receives sensory information via the internal senses. Because a moist subject cannot receive and retain forms distinctly (for example, one cannot make an impression on water), phantasms in an infant's brain are confused, much as they are in

inebriated adults. And since the intellect depends on phantasms not only to receive information but also to understand and to think about what it already knows, the infant's intellect is incapacitated. Yet all that too is natural and could exist in a state of perfect nature, for such imperfections are merely aspects of the incompleteness of an organism that is still developing. Infants are not ignorant but merely nescient, for ignorance is the failure to know what one ought to know, a lack of *due* knowledge. Ignorance is a result of original sin, but it manifests itself only later, when people who have reached the age of discernment do not know what they ought to know.

Nevertheless, there are aspects of infantile cognition too that are faults and signs of original sin. Among them is the difficulty that children experience in learning. Moreover, in a condition of perfect rectitude, children would have sufficient practical and moral discernment for every situation that was normal at each stage of life, even though they would have still have little knowledge of natural things. Infants are not exempt from the corruption of original sin, therefore, which affects them as it affects adults. But insofar as the imperfections are signs of immaturity, they are natural and not penal.

The difference between the schoolmen's position and Augustine's is now clear. The schoolmen teased apart two aspects or dimensions of infantile debility that Augustine had conflated, pertaining respectively to immaturity and to corruption. On an historical level, they posited a general corruption and loss of rectitude that affected every stage of human life in varying ways, much as a plague might affect an entire population but with somewhat differing consequences among children, adults, and the elderly. But on an individual level, they recognized the naturalness of development: the gradual coming into being of something. Using teleological arguments, therefore, they accepted and amplified Augustine's idea that in a perfect world (a condition of justice and rectitude), infants would have been more mentally and physically capable than fallen infants are, and would even have enjoyed some small independence. These advantages would have equipped infants to meet their infantile needs. Yet when the schoolmen considered the debility of infants as something that distinguished infants from *iuvenes*, and thus as a sign of immaturity, they saw nothing unnatural or penal in it.

How are mental and corporeal development supposed to be related to each other? From a broad, historical point of view, one might posit a spectrum of possibilities between two extreme positions. At one extreme is what seems to have been Plato's view: the mind is perfect and adult before it becomes incarnate; it becomes confused and forgetful in the body; and it must gradually recover itself and remember what it knows. At the other extreme is the view that the mind develops in much the same way as any other human ability, because

it is a function of an organ, the brain. (Such is the prevailing view today.) This disjunction, though, is too simple to capture the range of possible opinions in scholastic thought, where there are at least three features of cognition that might or might not develop: knowledge of the natures of things (essences), knowledge of principles and proofs, and the ability actually to understand and to reason.

In fact, Plato suggests that all three features of cognition are perfect before the soul becomes incarnate. One finds the first idea (innate knowledge of essences) in the *Phaedrus* (246A–257A), the second (innate knowledge of principles and proofs) in the *Meno*, and the third (innate reasoning) in the *Timaeus* (44E–44D). Plato touches on infancy in the *Timaeus* when he describes how the gods first implanted souls into human bodies. When the Craftsman had joined the world soul to the cosmos, everything had remained serene and reasonable. Yet the circuits of reason were at first caught in the *human* body as if in the midst of a strong river. They were buffeted by appetites and sensations, which made them haphazard and prone to error. It is the same with infants: “a soul comes to be without intelligence at first, when it is bound in a mortal body.” Only through maturity and education does calmness return, so that the innate rationality of the immortal soul becomes manifest.¹⁶⁰

Scholastic theologians occupy a narrow range of possibilities in the middle of the spectrum between these two extremes. In their view, the intellect has no organ, and its power to understand is entirely spiritual. Thus far, they agree with Plato. And in Platonic mood, they construe the knowledge of first principles as an innate habit and as memory, and even as participation in the divine light.¹⁶¹ But against Plato, they argue that the intellect is at first like a blank slate. It gets its information through the senses, and it depends on the brain for getting information and for thinking. Thomas argues that the neoscience and cognitive ineptitude of babies is largely due not to resistance by the body, as Plato thought, but simply to the mind’s newness and the body’s unreadiness. Albert and Bonaventure argue that the infants of Eden would have been born with perfect habitual knowledge albeit without the actual use of such knowledge, but Thomas rejects even that thesis as too Platonic. In his view, apart from the uniquely special case of Adam, the intellect would have begun as blank slate even in Eden. But as regards the mechanisms of cogni-

¹⁶⁰ Plato, *Timaeus* (42E–44D). The quotation (44A) is from Francis MacDonald Cornford, *Plato's Cosmology: The "Timaeus" of Plato Translated with Running Commentary* (London 1937) 149. On the implications and ambiguities of this passage for later philosophers, see Richard Sorabji, “The Mind-Body Relation in the Wake of Plato's *Timaeus*,” in *Plato's Timaeus as Cultural Icon*, ed. Gretchen J. Reydams-Schils (Notre Dame, Indiana, 2003), 152–62.

¹⁶¹ Cf. Bonaventure, *Itinerarium mentis in Deum*, c. 3, no. 2 (*Opera omnia* 5:303b); Thomas Aquinas, *ST* 1-2.91.2 resp. (1210b).

tion, the schoolmen did not argue that something necessary was *absent* from the infant, but rather that certain features of the infant's complexion (especially moisture) *inhibited* the apparatus of sensation and cognition, which was already fully developed at birth. Hence the causes of mental incapacity in infancy are similar to those in inebriation, although the former condition is natural and the latter unnatural.

Like Aristotle, the schoolmen regarded children as incomplete human beings:¹⁶² incomplete, that is, not as to *esse* (the mere existence of the human form), but as to *bene esse* (the complete manifestation of the human form). From their perspective, the formal and final causes of humanness were fully realized in the "youthful age" (*aetas iuvenilis*), which occurred in midlife (i.e., around the age of thirty). That was the age at which Adam was created, at which Christ died, and at which all would rise in the general resurrection.¹⁶³ Hence Thomas Aquinas assumes that the typical life span was a cycle proceeding from deficiency to perfection in humanness and then declining to deficiency again.¹⁶⁴

Missing entirely from the scholastic treatment of infants, it seems to me, is any suggestion that infants had their own, infantile perfections, or anything intrinsically precious or admirable. The schoolmen largely rejected the moral dimension of Augustine's abhorrence, but there is nothing in their treatment of the infants of Eden to suggest that they regarded infants as charming, or indeed that would have found anything exceptionable in Bernard de Gordon's gloomy account of childish imperfection.¹⁶⁵ Nor would they have disagreed with Aristotle's thesis (which Bernard de Gordon developed) that children cannot be happy, since happiness, from an Aristotelian point of view, presupposes reason and virtue. When we say that a childhood is happy, according to Aristotle, we mean only that we see in it the promise of future happiness.¹⁶⁶ Needless to say, the schoolmen recognized that infants were very different

¹⁶² On the Aristotelian paradigm, see Daryl McGowan Tress, "Aristotle's *Child*: Development through *Genesis*, *Oikos*, and *Polis*," *Ancient Philosophy* 17 (1997): 63–84; reproduced as "Aristotle's Children," in Susan M. Turner and Gareth B. Matthews (eds.), *The Philosopher's Child: Critical Perspectives in the Western Tradition* (Rochester, N.Y. 1998) 19–44. See esp. p. 21 in "Aristotle's Children," where Tress argues that what connects Aristotle's treatment of childhood in different domains and phases of life and in different sciences is the common assumption that "the child is 'unfinished' relative to a human *telos*."

¹⁶³ Thomas Aquinas, *In IV Sent.* 44.1.3 q^a. 1 (esp. resp. & sed contra). This article was reproduced as *ST* suppl., q. 81, a. 1 (381*b).

¹⁶⁴ Thus *In II Sent.* 20.2.1 resp. (ed. Mandonnet, 510): "in hominis vita est quaedam circulatio, eo quod a defectu incipit, in statum debitae perfectionis deveniens, ex quo iterum in defectum terminatur."

¹⁶⁵ See the references in n. 37 above.

¹⁶⁶ Aristotle, *Nichomachian Ethics* 1.9 (1100a1–5).

from adults, and they went further than Augustine in explaining the differences between infancy and adulthood. But the infant was related to the adult, in their view, as an unfinished product was related to a finished one. Infancy was not precious, but morally indifferent and value-neutral. Infants were innocent, but only because they were not yet mentally or physically capable of manifesting their innate guilt. We have tended, at least since the seventeenth century, to treasure the innocence, naivety, and nescience of the very young, as if infancy were itself a figurative Eden from which we have been expelled, and as if infants had not yet eaten fruit of the Tree of Knowledge. From a Romantic point of view, infantile innocence seems preferable to adult experience, an object of nostalgia. But the whole effort of the scholastics in this regard was to show that infancy was not *inconsistent* with the state of innocence, not *alien* to Eden. Their effort presupposed an intuitive prejudice running in the opposite direction, a prejudice that Augustine exemplified. The schoolmen were more accepting of infancy than Augustine had been, but they saw *nothing positive or valuable* in what distinguished infants from adults in the prime of life (*aetas iuvenilis*).

It would be beyond the scope of this essay to draw any firm conclusions about medieval attitudes to childhood in general, which I have looked at through a very narrow window. Because of the stature of some of the authors considered here, of the consensus among them on the essential points, and of the congruence between their position and contemporaneous commonplaces of medicine, it is reasonable to regard the sample of theologians as representative. Yet I have considered only how the highly educated members of a celibate, clerical elite—men who (apart from Augustine) had no children of their own—regarded the earliest phase of childhood. Nevertheless, if that attitude was representative of the attitude of medieval adults to childhood in general, then there may after all be some truth in Phillippe Ariès's notorious thesis: “Dans la société médiévale . . . le sentiment de l'enfance n'existe pas.”¹⁶⁷

Many studies of childhood in the Middle Ages have been framed as rebuttals of Ariès's thesis, for he seemed to say that medieval people (at least in the elite classes that he studied) had no concept of childhood as a distinct phase of life.¹⁶⁸ But the crux of his position was that medieval adults lacked a certain

¹⁶⁷ Philippe Ariès, *L'enfant et la vie familiale sous l'Ancien Régime* (Paris, 1960), 134. In making the following remarks, I do not deny that Ariès's methodology was faulty. For a critique of his approach, see Adrian Wilson, “The Infancy of the History of Childhood: An Appraisal of Philippe Ariès,” *History and Theory* 19 (1980): 132–53.

¹⁶⁸ For a survey of the historiography of medieval childhood with reference especially to Ariès's negative influence, see Hugh Cunningham, “Histories of Childhood,” *The American Historical Review* 103 (1998): 1195–1207.

sentiment d'enfance (which Ariès defined as adults' recognition of childhood's "particularity"). Ariès distinguished between *sentiment* and *affection*, and he did not doubt that medieval parents had *affection d'enfance* (defined as their caring attitude toward their children). A mistranslation in the English version of his book (wherein *sentiment* became "idea") reduced Ariès's thesis to a claim that seemed outrageous: that medieval people had no idea of childhood.¹⁶⁹ To rebut Ariès, therefore, one only had to show that medieval people regarded children as different from adults. All too obviously, they did. However richly detailed were the studies that Ariès provoked, they overlooked a subtler conceptual question: did medieval people regard children as distinctive in any positive sense or only as unfinished? Did they regard childish peculiarities as good or only tolerable? The evidence of this essay suggests that at least as regards infants, scholastic theologians took the latter view.

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¹⁶⁹ See Robert Baldick's English translation, published under the title *Centuries of Childhood: A Social History of Family Life* (New York, 1962), 128.

ON REASON'S CONTROL OF THE PASSIONS IN AQUINAS'S THEORY OF TEMPERANCE

Giuseppe Butera

THE cardinal virtues play a central role in Aquinas's ethics. Without them, no one can lead a good life. They are the habits that enable the virtuous to do and to feel what they ought consistently and reliably, even in the most trying of circumstances. The virtues do this by perfecting the different powers of the soul directly involved in moral choices and actions. Prudence perfects the practical intellect, justice the will, and temperance and fortitude the concupiscent and irascible appetites, respectively. On these points, Aquinas is fairly straightforward. But if one asks how temperance, in particular, does this, how it affects the concupiscent appetite of the virtuous person so that he consistently and reliably experiences the right passions, things become rather complicated, and very little has been said on this particular question by Aquinas's recent interpreters.

Although I believe Aquinas answers this question with a high degree of precision, the answer does not exist whole and entire in any one place but must be pieced together from a number of different texts. Drawing mostly from the *Summa theologiae*, where his most mature thought on the subject may be found, I propose in this article to show that temperance is a habit¹ which affects the concupiscent appetite (and, as a consequence, the passions) in two inextricably related ways: (1) it disposes the concupiscent appetite to remain more or less still in the absence of any command from reason to move, thus preventing vehement, spontaneous passions of any sort, ordinary or inordinate, from arising in the concupiscent appetite prior to reason's immediate command;²

¹ For a clear and comprehensive discussion of Aquinas's views on habit and habituation, see George Klubertanz, *Habits and Virtues: A Philosophical Analysis* (New York, 1965); see also Giuseppe Butera, "Thomas Aquinas on Reason's Control of the Passions in the Virtue of Temperance" (Ph.D. diss., The Catholic University of America, 2001), 189–245. Two other works that should be mentioned for the light they shed on Aquinas's views on habit and virtue and the extent to which these views differ from Aristotle's are both by Bonnie Kent: *Virtues of the Will: The Transformation of Ethics in the Late Thirteenth Century* (Washington, D.C., 1995); and "Habits and Virtues (Ia IIae, qq. 49–70)," in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, D.C., 2002), 116–30.

² By reason's immediate command or control I mean reason now commanding this or that action or passion.

and (2) it also disposes the concupiscent appetite to obey reason's command so that a person may incite, increase, decrease, or curb a passion as needed.

In order to aid in the explication of my interpretation, it would be helpful to have in mind from the start a reading of Aquinas significantly different from my own, one according to which temperance is an acquired virtue that gives a person the ability to experience the right passions towards the right things spontaneously, that is, independently of any immediate command from reason. Affective spontaneity is then viewed as an essential feature of Aquinas's theory of temperance so that, whatever else it might be, temperance must be a principle of spontaneous, virtuous passion. For lack of a better term, I refer to this as the spontaneity view of temperance. Thus construed, reason's control of the passions is at best indirect, limited as it is to the habituation of the sense appetite. According to this interpretation, we can train ourselves to have the right overall affective dispositions, which in the main incline towards a good moral life. Although reason appears to be able to control the passions, at least insofar as a person can choose to undertake a course of training designed to reeducate them, reason's oversight is asserted to be necessary only during the time that the passions have yet to be successfully reeducated. Once this process has been completed, the need for reason to exercise immediate, ongoing control over the passions ceases to exist: the sense appetite will respond appropriately on its own. According to this view, temperance preserves and even increases the affective spontaneity of the moral agent.

In addition to its elucidatory usefulness, discussion of the spontaneity view is also motivated by another consideration. Although not explicitly espoused by persons working in the field, the spontaneity view reflects an important but tacit assumption that appears to be at work in the thinking of a number of Aquinas's recent interpreters. Far from being merely a useful fiction, the spontaneity view is very much a current, if unremarked, general interpretive view of moral virtue and its relation to reason's control of the passions and affective spontaneity. To take just one example, Jean Porter in *The Recovery of Virtue* argues that the affective virtues of temperance and fortitude give a person the ability to experience the right passions independently of reason's immediate control:

What characterizes these passions [namely, fear, desire, and anger] is that they are not rational in the full sense, and yet they have a cognitive component that is amenable to rational direction. For example, fear is a visceral response, so to speak, to what is perceived to be harmful, and for that very reason it is possible to modify one's emotional responses so as not to fear what is not really harmful, given one's overall plan of life. The formation of the affective virtues consists precisely in the reeducation of one's emotional responses in this way.

Hence, to the extent that this process has been successfully carried out, the individual's immediate emotional responses, his likes and dislikes, will accord with what his more considered rational judgments on the matter would be. And that is precisely why the truly virtuous person does not require constant conscious deliberation on his final end in order to act in accordance with it. His immediate responses will reliably direct him to act appropriately, at least in normal circumstances. The rest of us, who are at best on the way toward true virtue, cannot trust our immediate responses so completely. And yet, even those of us who are still only imperfectly virtuous will find ourselves responding appropriately at least some of the time.³

In section one, I will draw a fairly standard sketch of Aquinas's theory of temperance in order to introduce some concepts and distinctions that are central to his understanding of the virtue. In section two, I will make the case for my interpretation, in the process of which I will also present some textual and conceptual evidence against the spontaneity view of temperance and defend my interpretation against some likely objections. In the third and final section, I will argue that Aquinas's theory of temperance is possibly incomplete and therefore open to further development.

1. SOME IMPORTANT CONCEPTS AND DISTINCTIONS

We may begin by presenting a rough sketch of Aquinas's understanding of the virtue temperance. This will allow us to go over some basic distinctions made by Aquinas that are essential both to the interpretation defended in this article and to the spontaneity view.

Rather than simply looking at the temperate person by himself, it is helpful to approach him by way of contrast with the continent person. Aquinas observes that the continent person is someone who resembles the temperate person in one respect and the incontinent person in another: the temperate person because he usually does the right thing; the incontinent because he often struggles with vehement, disordered passions.⁴ In *ST* 2-2.155.3, Aquinas pro-

³ Jean Porter, *The Recovery of Virtue: The Relevance of Aquinas for Christian Ethics* (Louisville, 1990), 103. Other authors who seem to espouse something like the spontaneity view of temperance include G. Simon Harak, *Virtuous Passions: The Formation of Christian Character* (New York, 1993), 4, 10, 21, 91, 96; and Diana Fritz Cates, "The Virtue of Temperance (IIa-IIae, qq. 141–170)," in *Ethics of Aquinas*, ed. Pope, 327: "Insofar as one is temperate, one's desires and pleasures arise rightly, as a matter of habit, in response to objects that are more or less worthy of attention and affection."

⁴ Thomas Aquinas, *Summa theologiae* [hereafter *ST*] 2-2.155.1 (5 vols., ed. alt. [Ottawa, 1953], 2187a): "... continentia habet aliquid de ratione virtutis, in quantum scilicet ratio firmata est contra passiones, ne ab eis deducatur; non tamen attingit ad perfectam rationem virtutis

vides a detailed picture of the continent person by comparing him with the incontinent. He does so in the course of showing that continence cannot be a habit of the sense appetite, but rather must be a habit of the will, the rational appetite. His reasoning may be summarized by means of the following illustration. Two friends are at a feast; one is continent, the other incontinent. Having had some wine, both know they should have no more, contrary to the vehement urges of their sense appetite; but whereas the incontinent friend yields to these urges, his continent friend does not. The difference between them can be found neither in their intellect nor in their sense appetite since they know and feel the same things. Rather the difference must be found in their will, for whereas the continent person chooses to obey reason, steadfastly refusing to yield to his disordered passions, the incontinent person, though resistant at first, almost inevitably chooses to do as they urge. But choice is an act of the will.⁵ Hence Aquinas's conclusion.

Though beset by unruly and disordered passions, the continent person usually does the right thing. Viewed from the outside, then, he does not differ very noticeably from the temperate person, who consistently does the right thing with respect to sensible goods. Nevertheless, Aquinas insists that there is in fact a great difference between them. In an earlier article (a. 1), which asks whether continence is a virtue, he argued that although continence has something of the essence of moral virtue (since it causes reason to stand firm against the passions),⁶ it does not attain to its perfection. Unlike the continent, the temperate do not struggle against inordinate passions.⁷ As a result, such persons quite easily do what they know they ought. Hence, returning to our friends at the feast and adding to their number the company of a temperate friend, we notice that he never once feels a strong inclination to drink immoderately, whereas as we have already seen, the continent person, though behaving like the temperate, will feel a strong inclination to do so. The difference between the temperate and the continent, therefore, must lie precisely in their sense appetite, not in their will or intellect. Therefore, temperance must be located in the sense appetite—the concupiscent appetite, to be precise⁸—and

moralis, secundum quam etiam appetitus sensitivus subditur rationi sic ut in eo non insurgant vehementes passiones rationi contrariae.” See also ST 2-2.155.3 in the following note.

⁵ ST 2-2.155.3 (2189b): “Prima autem differentia eorum invenitur in electione, quia continentis, quamvis patiatur vehementes delectationes et concupiscentias, tamen eligit non sequi eas propter rationem; incontinentis autem eligit sequi eas, non obstante contradictione rationis. Et ideo oportet quod continentia sit, sicut in subiecto, in illa vi animae cuius actus est electio. Et haec est voluntas.”

⁶ See n. 4 above.

⁷ See ST 2-2.155.4 (2190a–b) in n. 20 below.

⁸ ST 1-2.61.2 (1029a): “Quadruplex enim invenitur subiectum huius virtutis de qua nunc

somehow moderate its passions so that, unlike the continent, the temperate never have to struggle with inordinate passions. In other words, it must effect a harmony between reason and passion.

Now we must not suppose that temperance effects this harmony by suppressing the passions to the point where the temperate person feels nothing at all. Such a view would imply that passion is not an integral component of the moral act, a supposition quite foreign to Aquinas. Indeed, in *ST* 1-2.59.5, he explicitly rejects the Stoic doctrine that the virtuous person is without passion,⁹ since that would imply that the function of the moral virtues of temperance and fortitude is to prevent the sense appetite from moving at all, whereas their true function, the function indeed of every kind of virtue, is not to deprive the powers of their proper act but to cause those powers subject to rational control “to execute the command of reason by performing their proper acts.”¹⁰

From what has been said thus far, it seems clear that, whatever else Aquinas might take temperance to be, it is at the very least a habit of the concupiscent appetite disposing it (1) not to incline vehemently against the rule of reason or reason’s command,¹¹ as well as a habit disposing this same power

loquimur: scilicet rationale per essentiam, quod prudentia perficit; et rationale per participationem, quod dividitur in tria; idest in voluntatem, quae est subiectum iustitiae; et in concupiscibilem, quae est subiectum temperantiae; et in irascibilem, quae est subiectum fortitudinis.”

⁹ *ST* 1-2.59.5 (1021a–b): “ . . . si passiones dicamus inordinatas affectiones, sicut Stoici posuerunt, sic manifestum est quod virtus perfecta est sine passionibus. Si vero passiones dicamus omnes motus appetitus sensitivi, sic planum est quod virtutes morales quae sunt circa passiones sicut circa propriam materiam, sine passionibus esse non possunt. Cuius ratio est quia secundum hoc sequeretur quod virtus moralis faceret appetitum sensitivum omnino otiosum. Non autem ad virtutem pertinet quod ea quae sunt subiecta rationi, a propriis actibus videntur, sed quod exequantur imperium rationis, proprios actus agendo. Unde sicut virtus membra corporis ordinat ad actus exteriores debitos, ita appetitum sensitivum ad motus proprios ordinatos.—Virtutes vero morales quae non sunt circa passiones, sed circa operationes, possunt esse sine passionibus, et huiusmodi virtus est iustitia, quia per eas applicatur voluntas ad proprium actum, qui non est passio. Sed tamen ad actum iustitiae sequitur gaudium, ad minus in voluntate, quod non est passio. Et si hoc gaudium multiplicetur per iustitiae perfectionem, fiet gaudii redundantia usque ad appetitum sensitivum, secundum quod vires inferiores sequuntur motum superiorum. Et sic per redundantiam huiusmodi, quanto magis fuerit perfectior, tanto magis passionem causat.”

¹⁰ See the preceding note for the text (1021a, “Non . . . agendo”). All translations are my own unless otherwise indicated.

¹¹ In order to avoid confusion I should note that I use “reason’s rule” to denote reason’s control of the soul’s powers through command, and “the rule of reason” to denote the rule or measure of the mean in action used by reason to determine how best to rule. Although an attempt will be made to observe a strict distinction in the use of these terms, it will sometimes become impossible to avoid widening the meaning of each to encompass the other. In such cases, the context will make the meaning clear. For some illuminating discussions on the rule of reason, see *ST* 1-2.73.3; 73.7 ad 3; 90.1 ad 3; 95.2; 99.5; *ST* 2-2.58.3; 154.2 ad 2.

(2) to incline towards sensible goods in accordance with the rule of reason. Virtuous persons are not without passion [as someone who only knew 1 might be led to conclude]; rather, they somehow manage to experience them towards the right things in the right ways consistently.¹²

To this rough sketch, we must add one more important detail. In *ST* 1-2.24.3 ad 1, Aquinas says that the passions can be either antecedent to the judgment of reason (and the choice of the will) or consequent to it. Only consequent passions are chosen; antecedent passions by definition are not. When a person gets angry upon being slapped, or shouts for joy upon hearing wonderful news, he experiences antecedent passion; when the same person chooses to get angry over some perceived slight or to cheer up by looking at the brighter side, he experiences consequent passion. Therefore, what we have called spontaneous passions are, on Aquinas's terms, nothing other than antecedent passions. Taking account of this distinction, we might sharpen our sketch by saying that temperance is a good habit of the concupiscent appetite (1) disposing it not to move vehemently *antecedent* to reason's command, at least not inordinately so, and (2) disposing it to move *consequent* to reason's command.

So far, this sketch contains nothing new; most of Aquinas's interpreters would find nothing in it with which to disagree. But add to it the qualification that temperance disposes the sense appetite to move *only* at reason's immediate command, and suddenly we have a very different picture, one that marks a point of divergence between the interpretation defended in this article and other interpretations. As I will argue, temperance for Aquinas is a twofold virtue, one that (1) affects antecedent passions *negatively* by preventing (and only preventing, not directing) vehement antecedent passions and (2) affects consequent passions *positively* by giving reason nearly complete and perfect control of the concupiscent appetite. Contrary to the spontaneity view described earlier, temperance is not a principle of virtuous antecedent passion.

¹² Cf. *ST* 2-2.142.1 (2118a–b): “... omne illud quod contrariatur ordini naturali, est vitiosum. Natura autem delectationem apposuit operationibus necessariis ad vitam hominis. Et ideo naturalis ordo requirit ut homo, intantum huiusmodi delectationibus utatur, quantum necessarium est saluti humanae, vel quantum ad conservationem individui vel quantum ad conservationem speciei. Si quis ergo intantum delectationem refugeret quod praetermitteret ea quae sunt necessaria ad conservationem naturae, peccaret, quasi ordini naturali repugnans. Et hoc pertinet ad vitium insensibilitatis”; and *ST* 2-2.141.3 ad 1 (2112b): “... cum de passionibus ageretur, passiones quae pertinent ad fugam mali praesupponunt passiones quae pertinent ad prosecutionem boni, et passiones irascibilis praesupponunt passiones concupisibilis. Et sic, dum temperantia directe modificat passiones concupisibilis tendentes in bonum, per quandam consequentiam modificat omnes alias passiones, inquantum ad moderantium priorum sequitur moderantia posteriorum. Qui enim non immoderate concupiscit, consequens est ut moderate speret, et moderate de absentia concupisibilium tristetur.”

In the following section, I will examine a number of key passages from the *Summa theologiae* as well as the earlier *De veritate* in order to argue for my interpretation and against the spontaneity view of temperance. In the process of doing both, I will also consider a few likely objections to my interpretation.

2. TEMPERANCE, RATIONAL CONTROL, AND AFFECTIVE SPONTANEITY

According to the spontaneity view, the purpose of temperance is to bring passion into harmony with reason, a harmony that includes antecedent passion. Yet, as I will argue in this section, there is scant evidence that Aquinas held such a view. Instead, the textual evidence very strongly suggests that Aquinas thought no harmony between antecedent passion and reason possible, so that, rather than directing antecedent passion, the only thing for temperance to do is to prevent antecedent passion from arising.

We begin our textual analysis with *ST* 1-2.24.3, where Aquinas discusses passion's effect on the goodness or malice of an act. The first point he makes is one with which we are already familiar, namely, that the Stoics erred in teaching that all passions are morally evil, the passions not being naturally disordered:

I answer that the Stoicks, just as they took all passions of the soul to be evil, so too as a consequence took all passions of the soul to diminish the goodness of an act: indeed, either all the goodness [of an act] is removed through its admixture with evil, or its goodness is diminished. This is in fact true, if by "passions of the soul" we mean only inordinate motions of the sense appetite, insofar as they are disturbances or infirmities [of the soul]. However, if "passion" simply considered indicates every motion of the sense appetite, it thus pertains to the perfection of the human good that these passions themselves be moderated by reason.¹³

Nothing inherent to the passions prevents them from being virtuous. Indeed, if a person is to be perfect, his passions will have to come under reason's rule.

Aquinas explains why in the very next sentence. Since reason is the good of man, a human being's perfection depends on how far reason extends over the powers of his soul:

¹³ *ST* 1-2.24.3 (851a): "Respondeo. Dicendum quod Stoici, sicut ponebant omnem passionem animae esse malam, ita ponebant consequenter omnem passionem animae diminuere actus bonitatem; omne enim bonum ex permixtione mali vel totaliter tollitur, vel fit minus bonum. Et hoc quidem verum est, si dicamus passiones animae solum inordinatos motus sensitivi appetitus, prout sunt perturbationes seu aegritudines. Sed si passiones simpliciter nominemus omnes motus appetitus sensitivi, sic ad perfectionem humani boni pertinet quod etiam ipsae passiones sint moderatae per rationem."

For since the good of man consists in reason as in its root, [it follows that] this good will be the more perfect as it extends to a greater number of things pertaining to man.¹⁴

By extending to “a greater number of things pertaining to man,” Aquinas means bringing the lower powers of the soul under reason’s control, causing them to move in accordance with its rule. “No one doubts,” he asserts, “that it pertains to the perfection of moral goodness that the acts of the external members of the body be directed by the rule of reason.”¹⁵ But if moral goodness or evil can be found in the external members of the body because they can be directed by reason, the same must also be true of the passions, since these too are capable of being directed by reason:

Therefore, since the sense appetite can obey reason, as was said above [*ST* 1-2.17.7], it pertains to the perfection of moral or human goodness that the passions of the soul themselves should also be ruled by reason.¹⁶

As far as Aquinas is concerned, moral perfection can be found in the sense appetite only because the latter can obey reason; or, to sharpen the point, moral perfection can be found in the sense appetite only because human beings can choose their passions.

Finally, in order to avoid any misunderstanding, Aquinas states explicitly that passion is a necessary component of moral perfection in any human act:

Hence, just as it is better that man both will good and do it in his external act, so too it pertains to the perfection of moral goodness that man be moved towards the good not only in accordance with his will, but also in accordance with his sense appetite; according to Psalm 83.3: “My heart and my flesh have

¹⁴ Ibid. (851a): “Cum enim bonum hominis consistat in ratione sicut in radice, tanto istud bonum erit perfectius, quanto ad plura quae homini convenient, derivari potest.” In *ST* 1-2.18.5, following Ps.-Dionysius, Aquinas says that “the good of man is to exist (*esse*) according to reason” (814b: “... bonum hominis est secundum rationem esse”). Aquinas explains: “That is good for a thing which is suitable to it according to its form” (ibid.: “Unicuique enim rei est bonum quod convenit ei secundum suam formam”). Hence, it appears that Aquinas thinks reason is the good of man because through reason man determines his true good; to act in accordance with reason is to act in accordance with what is best suited to his nature. Because man qua man is rational and thus able to direct his own actions, he must rely on reason both for an understanding of his true good (which is acquired only through a proper understanding of man’s nature) as well as an understanding of the best means by which his true good may be attained. (Clearly, in this context reason means good or correct reason.)

¹⁵ *ST* 1-2.24.3 (851a–b): “Unde nullus dubitat quin ad perfectionem moralis boni pertineat quod actus exteriorum membrorum per rationis regulam dirigantur.”

¹⁶ Ibid. (851b): “Unde cum appetitus sensitivus possit obediere rationi, ut supra dictum est, ad perfectionem moralis sive humani boni pertinet quod etiam ipsae passiones animae sint regulatae per rationem.”

exulted in the living God,” where “heart” is taken to be the intellectual appetite, “flesh” the sense appetite.¹⁷

For Aquinas, a person without passion is a person with a moral defect. Nevertheless, if someone’s passions are virtuous, it is only because reason controls them. But only consequent passions fall under reason’s control. Therefore, if rational control is necessary for a passion to be virtuous, then on Aquinas’s terms antecedent passions must be incapable of being virtuous, this despite the fact that some antecedent passions may become consequent, a point that will be taken up below.¹⁸ Temperance would thus appear to be a principle only of virtuous consequent passion.

We find support for this interpretation in *ST* 1-2.56.4. In the course of demonstrating that the concupiscent and irascible appetites are the subjects of moral virtue (that is, powers that are able to form moral virtues), Aquinas argues that moral virtue is necessary because without it reason could not control the sense appetite perfectly. He explains with the help of an analogy: just as a craftsman cannot execute his craft well unless both he and his tools are well disposed to act, so too a person will be able to act well only if both his reason and his sense appetite are well disposed to act, since “an act which proceeds from one power as it is moved by another cannot be perfect unless both powers are well disposed to the act.” But what disposes the sense appetite to obey reason is moral virtue, which Aquinas says is quite literally “nothing other than a certain habitual conformity of [the sense appetite] to reason.”¹⁹ Aquinas confirms this reading in *ST* 2-2.155.4 by saying that the temperate person is one in whom the sense appetite is subject to reason. As if to underline this point, he adds that “the sense appetite is, as it were, subdued or tamed by reason.”²⁰

¹⁷ *Ibid.* (851b): “Sicut igitur melius est quod homo et velit bonum, et faciat exteriori actu; ita etiam ad perfectionem boni moralis pertinet quod homo ad bonum moveatur non solum secundum voluntatem, sed etiam secundum appetitum sensitivum; secundum illud quod in Psalmo LXXXIII, dicitur ‘Cor meum et caro mea exultaverunt in Deum vivum,’ ut cor accipiamus pro appetitu intellectivo, carnem autem pro appetitu sensitivo.”

¹⁸ See pp. 146 and 158–59 below.

¹⁹ *ST* 1-2.56.4 (1001b–1002a): “Quod enim in irascibili et concupiscibili sint aliquae virtutes, patet. Actus enim qui progreditur ab una potentia secundum quod est ab alia mota, non potest esse perfectus, nisi utraque potentia sit bene disposita ad actum; sicut actus artificis non potest esse congruus, nisi etiam artifex sit bene dispositus ad agendum, et etiam ipsum instrumentum. In his igitur circa quae operatur irascibilis et concupiscibilis secundum quod sunt a ratione motae, necesse est ut aliquis habitus perficiens ad bene agendum sit non solum in ratione, sed etiam in irascibili et concupiscibili. Et quia bona dispositio potentiae moventis motae attenditur secundum conformitatem ad potentiam moventem, ideo virtus quae est in irascibili et concupiscibili, nihil aliud est quam quaedam habitualis conformitas istarum potentiarum ad rationem.”

²⁰ *ST* 2-2.155.4 (2190a–b): “Alio modo, potest accipi nomen continentiae secundum quod

Although the philosophical psychology underlying Aquinas's views on the need to subdue antecedent passion is rather complicated and beyond the scope of this article to discuss in depth, it might be helpful to say a few words about it. Hence, although a bit of an excursus, we turn next to a brief consideration of *ST* 1-2.37.1 and 1-2.77.1 which, taken together, contain a very concise statement of the reasons Aquinas holds these views.

In *ST* 1-2.37.1, Aquinas argues that pain may affect a person's ability to learn because all the soul's powers are rooted in the soul's essence, which being one and unitary makes the soul itself one and unitary. A consequence of this unity is that when the soul's attention (*intentio animae*) is vehemently drawn towards the operation of one of its powers, its ability to pay close attention to the operation of any other power will be greatly diminished. Consequently, if the operation of a power demands close attention, but the soul is vehemently drawn to the operation of some other power, it will be performed poorly, if at all.²¹ In *ST* 1-2.77.1, in the course of showing how the will is moved by the passions, Aquinas argues that the apprehension of the imagination (as well as the judgment of the cogitative power) follows the passions of the sense appetite.²²

Taken together, these two teachings result in the conclusion of *ST* 1-2.77.1 that a vehement passion will very often result in reason's judgment and the

importat resistentiam rationis ad concupiscentias pravas quae sunt in homine vehementes. Et secundum hoc temperantia est multo potior quam continentia. Quia bonum virtutis laudabile est ex eo quod est secundum rationem. Plus autem viget bonum rationis in eo qui est temperatus, in quo etiam ipse appetitus sensitivus est subiectus rationi et quasi a ratione edomitus, quam in eo qui est continens, in quo appetitus sensitivus vehementer resistit rationi per concupiscentias pravas. Unde continentia comparatur ad temperantiam sicut imperfectum ad perfectum.”

²¹ *ST* 1-2.37.1 (916a): “... quia omnes potentiae animae in una essentia animae radicantur, necesse est quod quando intentio animae vehementer trahitur ad operationem unius potentiae, retrahatur ab operatione alterius; unius enim animae non potest esse nisi una intentio. Et propter hoc, si aliquid ad se trahat totam intentionem animae, vel magnam partem ipsius, non compatitur secum aliud quod magnam attentionem requirat.” Cf. *ST* 1-2.77.1 (1135b): “Cum enim omnes potentiae animae in una essentia animae radicentur, necesse est quod quando una potentia intenditur in suo actu, altera in suo actu remittatur, vel etiam totaliter impediatur. Tum quia omnis virtus ad plura dispersa fit minor, unde e contrario, quando intenditur circa unum, minus potest ad alia dispergi. Tum quia in operibus animae requiritur quaedam intentio, quae dum vehementer applicatur ad unum, non potest alteri vehementer attendere. Et secundum hunc modum, per quandam distractionem, quando motus appetitus sensitivi fortificatur secundum quamcumque passionem, necesse est quod remittatur, vel totaliter impediatur motus proprius appetitus rationalis, qui est voluntas.”

²² *ST* 1-2.77.1 (1135b–1136a): “Impeditur enim iudicium et apprehensio rationis propter vehementem et inordinatam apprehensionem imaginationis, et iudicium virtutis aestimativa, ut patet in amentibus. Manifestum est autem quod passionem appetitus sensitivi sequitur imaginationis apprehensio, et iudicium aestimativa, sicut etiam dispositionem linguae sequitur iudicium gustus.”

will following the passion,²³ that is, in reason rendering a judgment compatible with the sense appetite's inclination and the will executing reason's judgment (which the will naturally does). Given Aquinas's insistence that reason is especially dependent on the sense powers for its knowledge of particulars and that judgment is of particular operations to be performed,²⁴ it follows that if the soul's attention is riveted by a vehement passion, it will have little energy remaining to attend to the operation of reason. A person experiencing a vehement passion will therefore find it very difficult to consider performing any action other than the one to which the passion inclines, with the outcome in all likelihood being a judgment and a command that accords with the passion. It would seem, then, that antecedent passions always diminish the freedom and therefore the moral quality of a human action.

From what we have found in *ST* 1-2.24.3, 1-2.56.4, and 2-2.155.4 (as well as *ST* 1-2.37.1 and 77.1), a strong case may be made that in Aquinas's view only consequent passions can be virtuous; it is only to such that he believes reason's rule may extend. One might object to this reading, however, because of its tendency to suppress the affective spontaneity of the moral life and offer instead a reading on which antecedent passions fall under reason's control in some indirect way. This appears to be the position of those interpreters of Aquinas who, holding something like the spontaneity view, regard habits as fixed dispositions to act in specific ways towards specific objects and who argue that in Aquinas's view the antecedent passions of the temperate are controlled by reason via habituation: at first, reason must command the appropriate passions, so that once the sense appetite forms the right habits, reason's immediate control is no longer needed.

To help understand this proposal, let us consider the following example. Upon waking in the morning, a person experiences a desire for what is usually the right amount of food for breakfast before reason has had a chance to command this passion. Such an affective response would appear to be virtuous; what matter, therefore, if reason commanded it immediately or not? Indeed, the objection would continue, another way of understanding "rational control" for Aquinas is to construe temperance's effect on the sense appetite to be not one of rendering it docile to reason (and hence preventing antecedent passions from arising) but rather of giving it a habitual disposition to act spontaneously only and always in accordance with the rule of reason. The

²³ *Ibid.* (1136a): "Unde videmus quod homines in aliqua passione existentes, non facile imaginationem avertunt ab his circa quae afficiuntur. Unde per consequens iudicium rationis plerumque sequitur passionem appetitus sensitivi, et per consequens motus voluntatis, qui natus est semper sequi iudicium rationis."

²⁴ See *ST* 1-2.78 and 1-2.9.2 ad 2.

temperate person upon waking desires the right amount of food not because he decides that that is the appropriate way to feel but because the passion arises spontaneously from his temperate disposition. Therefore, nothing bars temperance from being a principle of virtuous antecedent passion. When Aquinas speaks of reason's control of the sense appetite, the objection would conclude, he does not necessarily mean *immediate* control, but one mediated by a habit or a virtue.²⁵

Before examining this proposal, we should note that there appears to be no room for an alternative to these two basic positions. For given Aquinas's view that the sense appetite cannot be trained without reason,²⁶ its training would have to result in an extension of reason's control over the sense appetite; and since reason controls the sense appetite either directly through immediate commands or indirectly through habituation, it would seem that passion and reason could be harmonized in one of these two ways only. Granting this conclusion, one might still wonder whether the harmonization effected by temperance between passion and reason might not occur in both ways, temperance being a disposition in the sense appetite to move spontaneously in specific ways towards specific goods as well as a disposition in the same power to obey reason when unusual circumstances call for it. This possibility will be explored later,²⁷ although we should note here that it does not appear to be one that Aquinas considered.

Returning to our breakfaster, we would do well to begin our examination of the proposal that reason controls antecedent passions via habituation by looking at *ST* 1-2.77.6 ad 2. In this article, Aquinas considers whether sin is mitigated on account of passion. He begins by noting that the sense appetite can be related to free will either antecedently or consequently: antecedently, because the sense appetite can draw the will towards some object, as when someone feeling a sudden urge for drink fills his cup with wine; consequently, because the movement of the will can affect the sense appetite, as when

²⁵ As we have seen, Porter expresses this view very well. See n. 3 above.

²⁶ *ST* 1-2.50.3 ad 2 (973b). “... vires sensitivae in brutis animalibus non operantur ex imperio rationis, sed si sibi relinquuntur bruta animalia, operantur ex instinctu naturae. Et sic in brutis animalibus non sunt aliqui habitus ordinati ad operationes. Sunt tamen in eis aliquae dispositiones in ordine ad naturam, ut sanitas et pulchritudo.—Sed quia bruta animalia a ratione hominis per quandam consuetudinem disponuntur ad aliquid operandum sic vel aliter, hoc modo in brutis animalibus habitus quodammodo poni possunt; unde Augustinus dicit in libro *Octog. trium Quaest.*, quod ‘videmus immanissimas bestias a maximis voluptatibus absterrerii dolorum metu, quod cum in earum consuetudinem verterit, domitae et mansuetae vocantur.’ Deficit tamen ratio habitus quantum ad usum voluntatis, quia non habent dominium utendi vel non utendi; quod videtur ad rationem habitus pertinere. Et ideo, proprie loquendo, in eis habitus esse non possunt.”

²⁷ See pp. 153–58 below.

someone suddenly desires to eat more food than usual having decided to travel on foot a long distance. Only antecedent passions can mitigate sin for, as we discussed above, vehement, antecedent passions cloud a moral agent's judgment and diminish his freedom. Thus, whereas consequent passion aggravates sin (consider the increased punishment merited by someone who experiences delight rather than remorse after committing an evil deed), antecedent passion mitigates it. So far, Aquinas has only treated of inordinate or bad passions.²⁸

Turning to his treatment of ordinary or good passions, passions that accord with the rule of reason, we might expect him to say that they increase the merit and goodness of an act. Yet, in the very same article (a. 6 ad 2) we find him taking the contrary view:

... good passion following the judgment of reason augments merit. If, however, it precedes [the judgment of reason], that is to say, so that a man is more moved to well-doing by passion than by the judgment of reason, such passion diminishes the goodness and merit of the act.²⁹

Here Aquinas clearly, if not explicitly, advances the thesis that antecedent passions decrease, rather than increase, the merit of an act. But if good antecedent passions have this effect, Aquinas is unlikely to have held that temperance is a principle of antecedent passion, since this would imply that *virtuous* antecedent passion *decreases* the moral goodness of an act. Had he considered temperance to be such a principle, it is very likely that he would have noted it by allowing that antecedent passions proceeding from temperance increase the merit accruing to acts performed largely under their influence.

Aquinas believes that vehement antecedent passion diminishes the moral praiseworthiness and moral goodness of an act because he is convinced that, under its influence, a person ends up performing a good act more from passion than from reason. Additionally, he also believes that only those actions proceeding from reason and will can be accounted truly human and therefore

²⁸ ST 1-2.77.6 (1141b): "Si igitur accipitur passio secundum quod praecedit actum peccati, sic necesse est quod diminuat peccatum. Actus enim intantum est peccatum, inquantum est voluntarium et in nobis existens. Esse autem aliiquid in nobis dicitur per rationem et voluntatem. Unde quanto ratio et voluntas ex se aliiquid agunt, non ex impulsu passionis, magis est voluntarium et in nobis existens. Et secundum hoc passio minuit peccatum, inquantum minuit voluntarium. Passio autem consequens non diminuit peccatum, sed magis auget; vel potius est signum magnitudinis eius, inquantum scilicet demonstat intensionem voluntatis ad actum peccati. Et sic verum est quod quanto aliquis maiori libidine vel concupiscentia peccat, tanto magis peccat."

²⁹ Ibid.: "... bona passio consequens iudicium rationis, augmentat meritum. Si autem praecedat, ut scilicet homo magis ex passione quam ex iudicio rationis moveatur ad bene agendum, talis passio diminuit bonitatem et laudem actus."

moral. Aquinas concludes that an action fails to be moral and therefore praiseworthy to the extent that it proceeds from a power other than these two (working in consort, of course). It is difficult to see how he could seriously maintain that ordinary antecedent passions diminish the praiseworthiness and goodness of human acts while maintaining that temperance is a principle of such passions.³⁰

Someone might respond by arguing that antecedent passions arising from a habitual disposition are not really antecedent at all but rather consequent to reason's command, albeit not its immediate command.³¹ A major difficulty with this position is that any passion arising prior to a decision and its consequent act, whether arising from a habit or not, will have the sort of effect on it which Aquinas clearly believes to diminish its human quality and therefore its moral goodness. Even if we were to grant that passions arising from habits are consequent in this respect, we would still have to conclude that such consequent passions diminish the moral goodness of a decision made under its influence. For regardless of its status, antecedent to reason's command or consequent to it in the manner suggested here, if a passion influences a person's deliberation and choice, the choice will not be as free as it would have been without the passion. It would seem, therefore, that when Aquinas speaks of reason's command in connection with the control temperance gives reason over the passions, he must mean "immediate control."

To this, one might counter that antecedent passions could actually increase a person's control over his actions, thus increasing his freedom, a consequence perfectly in keeping with the purpose of moral virtue. A person experiencing a spontaneous desire to eat the right amount of food at the right time will find it easier to choose to do so than he would without them. Such an objection would have the advantage of agreeing with experience: a passion for an activity does truly make it easier to choose. The ease with which a choice is made, however, does not necessarily make the choice more free. Indeed, as I argue throughout this article, for Aquinas a choice made under the influence of a vehement passion is good but not as free as a choice made without it. Now it might be that temperance gives rise to mild passions that do no more than gently nudge us in the right direction, influencing reason only in the slightest degree and thereby not at all reducing freedom of choice, but

³⁰ For an excellent discussion of the incompatibility of antecedent passion with moral action in Aquinas, see Richard K. Mansfield, "Antecedent Passion and the Moral Quality of Human Acts According to St. Aquinas," *American Catholic Philosophical Quarterly* 71 (suppl. 1997): 221–31.

³¹ This possibility was raised by Jean Porter and Bill Mattison in separate private conversations.

Aquinas seems not to have considered this possibility. In fact, as we will see in our discussion of *De veritate* 26.8 below, there is good reason to suppose that he would have regarded it as incompatible with the nature of temperance.

Before proceeding to the discussion of *De veritate* 26.8, we must turn to the preceding article, 26.7, where we find further confirmation of my interpretation. In this article, Aquinas considers whether passion increases or diminishes merit and makes a number of explicit statements about the passions and their relation to judgment and virtue that are worth quoting and commenting on here. In reply to the third objection, which contends that all passions diminish merit since every kind of passion clouds the judgment of reason, Aquinas says the following:

Both choice and execution are necessary in a virtuous deed. Discernment is required for choice. For the execution of what has been decided upon, alacrity is required. It is not, however, highly necessary that a man actually engaged in the execution of the deed deliberate very much about the deed. This would rather stand in the way than be of help, as Avicenna points out. Take the case of a lute player, who would be greatly handicapped if he had to give thought to each touch of the strings; or that of a penman if he had to stop and think in the formation of each letter. This is why a passion which precedes choice hinders the act of virtue by hampering the judgment of reason necessary in choosing. But after the choice has already been made *purely* by a rational judgment, a passion that follows helps more than it hurts, because even if it should disturb rational judgment somewhat, it does make for alacrity in execution.³²

³² Thomas Aquinas, *De veritate* 26.7 ad 3 (Leonine edition 22:774): “. . . in opere virtutis est necessaria et electio et executio; ad electionem requiritur discretio, ad executionem eius quod iam determinatum est requiritur promptitudo. Non autem requiritur multum ut homo actu aliter in executione operis existens, multum circa opus meditetur; hoc enim ut Avicenna dicit in sua *Sufficientia* potius officeret quam prodesset: sicut patet in citharoedo qui multum impeditur si ad tactum singularum chordarum cogitationem apponenter; et similiter scriptor si in formatione singularum litterarum cogitaret. Et inde est quod passio electionem praeveniens impedit actum virtutis, in quantum impedit iudicium rationis quod necessarium est in eligendo; postquam vero puro iudicio rationis iam electio est perfecta, passio sequens plus prodest quam noceat, quia etsi in aliquo turbet rationis iudicium, facit tamen ad promptitudinem executionis”; trans. Robert W. Schmidt, *St. Thomas Aquinas: Truth* (Chicago, 1954), 3:285 (emphasis added). Cf. ibid. ad 1 (Leonine edition 22:773–74): “. . . perfecta ratio laudabilis et vituperabilis consistit in voluntario; unde illud quod minuit de ratione voluntarii, diminuit rationem laudabilis in bono et vituperabilis in malo. Passio autem praecedens electionem diminuit rationem voluntarii, et ideo laudem boni actus et vituperium mali diminuit; sed passio sequens est signum magnitudinis voluntarii, ut dictum est, unde sicut in bono addit ad laudem ita in malo ad vituperium. Ille autem ex passione peccare dicitur in quo passio inducit ad electionem peccati; qui autem ex electione peccati in passionem peccati incidit, non dicitur ex passione peccare sed cum passione. Verum est ergo quod ex passione agere diminuit et laudem et vituperium; sed cum passione agere potest utrumque augere.”

Aquinas clearly states that antecedent passions adversely affect the act of *virtue*. How then can they be virtuous or proceed from virtue? Clearly, they cannot do so in the case of vehement, ordinary passions since, as we have seen, these disturb the judgment of reason. But what about mild, ordinary passions? It would seem that these could arise from the virtue of temperance since they would not threaten reason's rule or disturb the judgment of reason but only gently nudge it in the right direction.

Although Aquinas did not ask this question, what he has to say in the very next article (a. 8) seems to preclude the possibility of temperance being a principle of mild antecedent passions. In considering whether there were any passions in Christ, Aquinas begins by explaining that the passions may be distinguished in four ways: (1) by their objects, which are either suitable or unsuitable to the person experiencing them; (2) by their relation to the will, being either antecedent to it and the judgment of reason through a sudden presentation of a sensible good or evil to the sense appetite, or consequent to the will and the judgment of reason and hence caused by them; (3) by the extent to which they transform a person through their effect on his choices, an effect which can be either partial because the passions do not affect a person's choice, or complete because they do; and (4) by the degree of the partial or complete transformation, being either mild or intense.

Next, Aquinas uses these distinctions to explain what kinds of passion may be found in (i) sinners, (ii) the just (which comprises the subcategories of the perfectly just and the imperfectly just), (iii) Christ, and (iv) the first man as well as the blessed. Now, whereas sudden (that is, antecedent) passions may be complete and intense in sinners, Aquinas says that they may only be incomplete and intense in the imperfectly just, and only incomplete and mild in the perfectly just.³³ Although he does not say so explicitly, Aquinas clearly identifies the imperfectly just with the continent, the perfectly just with the temperate, and sinners with both the incontinent and (perhaps) the intemperate. What is particularly interesting for our purposes is his assertion that the only kinds of antecedent passion experienced by the temperate are ones that are incomplete and mild, passions which he says are incapable of influencing the higher powers of reason and will. In fact, the whole purpose of temperance with respect to antecedent passion is to prevent it from leading reason

³³ *De veritate* 26.8 (Leonine edition 22:776): “Sciendum est ergo quod in hominibus in statu viae, si sunt peccatores, sunt passiones respectu boni et respectu mali, quandoque quidem non solum praeviseae sed etiam subitae et intensae et frequentes etiam perfectae; unde dicuntur ‘passionum sectatores’ in I Ethicorum. In iustis vero numquam sunt perfectae, quia ratio in eis numquam deducitur a passionibus; sunt tamen vehementes in imperfectis, sed in perfectis sunt debiles, inferioribus viribus per habitum virtutum moralium refrenatis; habent tamen passiones non solum praeviseas sed etiam subitas, et non solum respectu boni sed respectu mali.”

away. It is important to note that Aquinas says nothing about temperance ordering antecedent passions, let alone mild ones.

On textual grounds alone, therefore, it seems that Aquinas did not conceive of temperance as a principle of spontaneous virtuous passion but rather only of consequent passion. Our case might be made even stronger, however, if we point out certain conceptual or theoretical difficulties facing the spontaneity view, reasons countering the suggestion that the notion of virtuous antecedent passion had any currency with Aquinas. Of these reasons, two of the most serious concern Aquinas's views on (1) temperance's dependence on prudence and (2) the limits of temperance.

(1) Supposing Aquinas believes temperance a habit disposing a person to experience virtuous antecedent passions, it would be difficult to square this belief with his doctrine that temperance is dependent on prudence, and especially so if temperance were supposed to order not only mild antecedent passions but vehement antecedent passions as well. In brief, Aquinas argues that all the moral virtues are dependent on prudence because they aim at the mean, which has to be determined by reason. Reason, however, is perfected in that task by prudence.³⁴ Hence Aquinas's doctrine.

To help clarify this teaching, let us return to our breakfaster. Suppose that he experiences the right passions at breakfast every morning not because he commands himself to do so but because over time he has formed the habit of spontaneously experiencing the right passions with regards to breakfast. Ordinarily, his passions would be appropriate. However, what is ordinarily temperate at breakfast might fail to be so on some occasion, such as a day on which he has planned to take a long journey on foot. On such an occasion, the mean of temperance will be for more than the usual amount of food on account of the extra energy he will have to expend that morning. But if Aquinas believed temperance to be a habit of experiencing the right antecedent passions, he would have to conclude that in such cases a person would fail to have the right passions, his sense appetite habituated only to move in the appropriate way with respect to the usual circumstances at breakfast, a result manifestly at odds with his doctrine of temperance's dependence on prudence. Our breakfaster would fail to experience the temperate desire for the greater than usual amount of food *spontaneously*, and this is precisely what the spontaneity view of temperance fails to take into consideration, since it insists that temperance brings about a harmony between reason and passion without bringing the passions under reason's immediate control.

In order to act temperately in unusual circumstances, the sense appetite of our breakfaster would have to be capable of inclining towards a variable

³⁴ See ST 2-2.47.7.

mean, which is and can only be determined by prudence. Because the mean is like a moving target, the sense appetite must be capable of responding to it sensitively and intelligently, which it can do only by participating in reason. But, as we saw in our analysis of *ST* 1-2.77.6 ad 2, Aquinas believes that such participation occurs only when reason controls the sense appetite in some immediate fashion. As such, the sense appetite on its own, even when informed by the virtue of temperance, does not have the ability to direct its activity *prudently*. Hence the need of reason's immediate and ongoing control, and the need of prudence to perfect reason's judgment as well as its command.

This line of reasoning leads to the conclusion that antecedent passions cannot, in principle, be virtuous, for virtuous passions are movements of the sense appetite that proceed from a principle which gives rise to such passions consistently. But it seems that Aquinas thinks the sense appetite incapable of consistently moving in accordance with the rule of reason unless reason commands in an immediate and ongoing manner, in effect commanding every one of the sense appetite's motions. This conclusion holds especially for vehement antecedent passion, since it has the effect of clouding the judgment of reason and in circumstances outside the norm would, at best, reduce the temperate person to the status of the continent. Even in the case of mild, *ordinate*, antecedent passions (which, it bears repeating, Aquinas considers nowhere in his written works, his interest apparently focused on inordinate antecedent passion only as it might be prevented altogether or at least prevented from being vehement), it is difficult to see how temperance could be the principle of their right ordering since habituation alone could not explain the consistency with which these passions would hit the variable mean.

An advocate of an interpretation reflecting the spontaneity view might counter that the virtue of temperance comprises such a large number of habitual responses to such a wide variety of objects in such a large number of different circumstances that it is quite possible for the antecedent passions of the temperate person to track the prudential judgments of reason without reason exercising immediate and ongoing control of the sense appetite. Through a long and extensive training, the sense appetite learns a set of appropriate responses which gives it the ability to move in ways that accord with reason independently of reason's immediate command in most circumstances.³⁵ A shortcoming of this interpretation is that it does not go far enough, nor can it. In Aquinas's view, the sense appetite's sensitivity to prudence must be such that it can always respond in just the way reason judges to be appropriate in

³⁵ See, e.g., Jean Porter, *Moral Action and Christian Ethics* (Cambridge, 1995), 172, 173; see also n. 3 above.

any given circumstance. But no set of learned responses can include all the affective responses possible or even likely in a lifetime. If the sense appetite must first learn a specific response to a specific object in a particular set of circumstances before it can respond temperately, then the temperate person will often fail to experience the right antecedent passions towards unfamiliar objects or familiar objects in unfamiliar circumstances simply because he will lack the necessary affective disposition.

The advocate of this interpretation might accept this result as the inevitable consequence of living in a complex and unpredictable world, but Aquinas would take this result to be incompatible with moral virtue, since the virtuous person is not one who *often* does and feels the right things, but one who does so *almost always*.³⁶ Yves Simon, writing in the Thomistic tradition, makes a similar point with respect to prudence, saying that “the specific duty of prudence is to tell me what to do *no matter how unprecedented the circumstances, no matter how unique the situation*. If the circumstances are common, perhaps I can look up the answer in a manual and do what the book says. But in an unprecedented situation . . . there are no answers to be found in any book. To know what I should do here and now, I must rely on the judgment of practical wisdom.”³⁷ Extending Simon’s point to include temperance, we might add that since prudence determines the mean, and prudence must be ever ready to assess novel and unprecedented circumstances to determine the mean of some action or passion, temperance must also be ready and able to move in accordance with the dictates of reason at all times and in every possible circumstance. If Aquinas conceived temperance to be nothing more than a set of habitual responses, he should have held that it may come into conflict with prudence from time to time (perhaps even frequently during times of radical change such as occur during wars, for instance) and have rejected the related

³⁶ Here we must be careful not to suppose that Aquinas believes the virtuous person incapable of wrongdoing, as if acquired virtues can never fail. In *ST* 1-2.71.4, Aquinas argues that the virtuous person never loses the capacity to sin despite his or her virtues, since virtues are thought by him to be things we use when we will. But since the virtuous retain the power to will or not to will, it follows that they may choose to act in ways opposed to virtue. At the same time, however, they may also choose to act virtuously, and this they may choose to do consistently, an option not available to those lacking virtue.

³⁷ Yves R. Simon, *The Definition of Moral Virtue* (New York, 1986), 96 (emphasis added). Aquinas says as much in *ST* 1-2.94.4 ad 3 (1228a-b): “. . . sicut ratio in homine dominatur et imperat aliis potentii, ita oportet quod omnes inclinationes naturales ad alias potentias pertinentes ordinentur secundum rationem. Unde hoc est apud omnes communiter rectum, ut secundum rationem dirigantur omnes hominum inclinationes.” Writing specifically on prudence in Aquinas, James F. Keenan supports my contention that Simon’s understanding of prudence is also Aquinas’s; see “The Virtue of Prudence (IIa IIae, qq. 47–56),” in *Ethics of Aquinas*, ed. Pope, 264.

doctrine of the unity of the moral virtues (according to which one must have all the virtues to have any of them); the contrary, instead, is true.³⁸

(2) A second difficulty facing the spontaneity view has to do with Aquinas's views on the limits of temperance. There are passages in the *Summa theologiae* and the *De veritate* which strongly suggest that Aquinas conceived the ideal (if not the actual) limit of temperance to be complete control and hence the prevention of any and every kind of antecedent passion, mild or vehement. Another way of putting this, using a distinction found in *ST* 1-2.81.3 ad 2, is to say that the ideal limit of temperance is despotic rather than political control, where the former is the sort of control a master exercises over his slave, who has no power to resist his master's will, and the latter the sort of control a ruler exercises over his subjects, who possess the power to resist.

In this response, Aquinas argues that reason's command of the sense appetite is political rather than despotic because the sense appetite is naturally moved *not only* by the cogitative power (also called the particular reason, the power through which reason commands all the powers of the soul³⁹) *but also* by the imagination and the external sense powers:

The intellect or, what is the same thing, reason is said to rule the irascible and concupiscent appetites through political rule, since the sense appetite has something of its own by means of which it can resist reason's command. It is natural for the sense appetite to be moved *not only* by the estimative power in other animals, and the cogitative power in man, which is directed by universal reason, *but also* by the imagination and the [external] sense powers.⁴⁰

Because the imagination and the external sense powers can move the sense appetite independently of reason's command, they too must have "something

³⁸ *ST* 1-2.65.1 (1047b): "... nulla virtus moralis potest sine prudentia haberi, eo quod proprium virtutis moralis est facere electionem rectam, cum sit habitus electivus; ad rectam autem electionem non solum sufficit inclinatio in debitum fine, quod est directe per habitum virtutis moralis, sed etiam quod aliquis directe eligat ea quae sunt ad finem, quod fit per prudentiam, quae est consiliativa et iudicativa et praeceptiva eorum quae sunt ad finem. Similiter etiam prudentia non potest haberi nisi habeantur virtutes morales, cum prudentia sit recta ratio agibilium, quae sicut ex principiis procedit ex finibus agibilium, ad quos aliquis recte se habet per virtutes morales. Unde sicut scientia speculativa non potest haberi sine intellectu principiorum, ita nec prudentia sine virtutibus moralibus. Ex quo manifeste sequitur virtutes morales esse connexas."

³⁹ For a thorough treatment of Aquinas's conception of the cogitative power, see George P. Klubertanz, *The Discursive Power: Sources and Doctrine of the Vis Cogitativa According to St. Thomas Aquinas* (Saint Louis, 1952).

⁴⁰ *ST* 1.81.3 ad 2 (500a): "Intellectus autem, seu ratio, dicitur principari irascibili et concupiscenti politico principatu; quia appetitus sensibilis habet aliquid proprium, unde potest reniti imperio rationis. Natus est enim moveri appetitus sensitivus non solum ab aestimativa in aliis animalibus, et cogitativa in homine, quam dirigit universalis ratio; sed etiam ab imaginativa et sensu."

of their own" by means of which they can move on their own. Were the sense appetite moved only by reason and the cogitative power, and by the other apprehensive powers only under reason's direction, it would be unable to move contrary to reason. Hence, if the imagination and the external sense powers did not have "something of their own," reason would control them despotically. However, since temperance is not a habit in any of these powers, it cannot prevent them from moving independently of reason. Consequently, Aquinas thinks that although the morally virtuous are free of vehement antecedent passions, they remain subject to mild antecedent passions throughout their lives, since the most temperance can do is prevent the sense appetite from moving vehemently when incited to move independently of reason's command by the imagination or external sense powers.⁴¹ Although he did not consider this possibility, every indication is that he would have denied that temperance is a cause of mild, *ordinate*, antecedent passions.

The strongest evidence for this supposition is found in *ST* 1.95.1–3 and *ST* 3.27.3. Taken together, *ST* 1.95.1–3 constitutes a sophisticated attempt to demonstrate that human beings did not experience antecedent passions prior to the Fall. In the first article, Aquinas argues that man was created in a state of grace; he was not first created and then given grace. Aquinas begins his argument by quoting Scripture, according to which "God made man upright" (*Deus fecit hominum rectum*).⁴² Man's righteousness, we are told, consisted in his lower powers being subject to his reason, and his reason being subject to God. That the subjection of the lower powers to reason was not natural but due to grace is thought by Aquinas to be proved by the fact that fallen man does not enjoy complete control over his lower powers.

In the second article he proposes that in the first man there were no antecedent passions, only consequent ones. Since the lower powers in the first man were entirely subject to reason, Aquinas argues that the only passions he experienced were those that arose consequent to the judgment of reason. Assuming that the lower powers were perfectly subject to reason and reason perfectly subject to God, one might wonder whether Aquinas believed the first man had any need of the moral virtues. He answers this question in the third article. The first man, Aquinas maintains, must have possessed the virtues since, as he puts it, "the virtues are nothing but certain perfections by which reason is directed to God and the inferior powers are ordered in accor-

⁴¹ *ST* 1-2.74.3 ad 2 (1118a–b): "Dicendum quod perpetua corruptio sensualitatis est intelligenda quantum ad fomitem, qui nunquam totaliter tollitur in hac vita; transit enim peccatum originale reatu et remanet actu. . . . Et ideo non potest homo vitare omnes huiusmodi motus, propter corruptionem praedictam."

⁴² *ST* 1.95.1 (589b).

dance with the rule of reason.”⁴³ But man in the first state was perfect. Therefore, he must have possessed every virtue, including the virtues of temperance and fortitude.

The case for the spontaneity view seems tenuous at best when articles 1, 2, and 3 are taken together. For if Aquinas held that temperance is indeed a principle of virtuous antecedent passion, he should have allowed the possibility of antecedent passions existing in the first man. Instead, Aquinas explicitly excluded it, maintaining that temperance was not a principle of virtuous antecedent passion in the first man. And since the first man was perfect, it is difficult to see how Aquinas could have thought temperance a principle of such passion in us. Or, looking at it from the opposite angle, if the spontaneity view were correct and it were truly better for ordinary passions to arise spontaneously rather than only at reason’s command, then we should expect Aquinas to have taught that there were spontaneous passions in the first man, who was perfect. In defense of the spontaneity view, one might say that the condition of the un fallen is so radically different from that of the fallen that well-ordered antecedent passions, inimical in the former case, might be quite helpful in the latter. It might be that temperance in the fallen prevents *vehement* antecedent passion from arising and limits the sense appetite to experiencing only *mild* antecedent passions, ordering most of them, thus giving reason a helpful nudge in the right direction while preserving reason’s rule. Yet if every power operated perfectly in man before the Fall and the sense appetite, perfected by temperance, did not move apart from an immediate command from reason, it is unclear how, on Aquinas’s terms, temperance could also be a principle of spontaneous passions, even mild ones.

Further evidence against the notion of virtuous antecedent passion is found in *ST* 3.27.3, where Aquinas considers whether the Virgin was freed from the stain of the *fomes peccati*: mild, disordered, antecedent passions. In answering this question, he maintains that in Adam (that is, the first man, and presumably Eve, too) before the Fall, in Christ, and in a qualified sense in the Virgin, the inferior powers would never be moved without reason.⁴⁴ From these pas-

⁴³ *ST* 1.95.3 (591b): “Virtutes autem nihil aliud sunt quam perfectiones quaedam, quibus ratio ordinatur in Deum, et inferiores vires disponuntur secundum regulam rationis, ut magis patebit cum de virtutibus agetur.”

⁴⁴ *ST* 3.27.3 (2591b): “Restat ergo ut dicamus quod vel totaliter fomes fuerit ab ea sublatus per primam sanctificationem, vel quod remanserit ligatus. Posset enim intelligi quod totaliter fuerit sublatus fomes hoc modo quod praestitum fuerit Beatae Virgini ex abundantia gratiae descendantis in ipsam, ut talis esset dispositio virium animae in ipsa quod inferiores vires nunquam moverentur sine arbitrio rationis; sicut dictum est fuisse in Christo, quem constat peccati fomitem non habuisse, et sicut fuit in Adam ante peccatum per originalem iustitiam.” For an informative and interesting discussion of Aquinas’s understanding of man’s state both before

sages alone it would appear that the ideal of moral virtue for Aquinas is that reason, aided by grace, exercise despotic rule over the sense appetite; that under the influence of temperance and grace no antecedent passions of any sort, ordinary or inordinate, mild or vehement, should ever arise and that every movement of the sense appetite be ordinary and consequent to reason's command. That the concupiscent and irascible appetites have "something of their own," the ability to move spontaneously, would therefore appear to be a consequence of the Fall. Hence, far from being a necessary feature of the moral life, affective spontaneity would appear to be a contingent feature of the moral life of fallen man.

It is necessary to compare this conclusion with what Aquinas maintains in *De veritate* 26.8:

In the blessed, however, and in man in the first state, and in Christ as subject to our infirmity, such passions are never sudden, seeing that because of the perfect obedience of the lower powers to the higher no movement arises in the lower appetite except at the dictate of reason. Thus Damascene says: "In our Lord natural tendencies did not precede the will; for he hungered willing it, he feared willing it, etc." And the same is to be understood of the blessed after the resurrection and of men in the first state.⁴⁵

Granting that Aquinas really held the ideal limit of temperance to be despotic control, it is very difficult (though not *prima facie* impossible) to see how he could have taken temperance to be a principle of antecedent passion.

Admittedly, one might doubt that the ideal limit of temperance is despotic control given what Aquinas has to say about Christ's sufferings in *ST* 3.18.5. There he argues that Christ suffered passions that were not, strictly speaking, in accordance with his divine will, thus suggesting that Christ experienced antecedent passions. Yet, in *ST* 3.15.2 he argues that Christ was not subject to the *fomes peccati*. It would appear, therefore, that Christ experienced ordinary, antecedent passions, leaving open the possibility that Aquinas did in fact conceive of temperance as a principle of virtuous, antecedent passion.

In order to clarify his views on this point, let us take a closer look at *ST* 3.18.5. There Aquinas makes a distinction between two kinds of will in

and after the Fall, see P. DeLetter, "Original Sin, Privation of Original Justice," *The Thomist* 17 (1954): 469–509.

⁴⁵ *De veritate* 26.8 (Leonine edition 22:776): "In beatis vero et in homine in primo statu et in Christo secundum statum infirmitatis huiusmodi passiones numquam sunt subitae, eo quod propter perfectam oboedientiam in eis inferiorum virium ad superiores nullus motus exsurgit in appetitu inferiori nisi secundum dictamen rationis; unde dicit Damascenus in III libro 'Non praecedebant in Domino voluntatem naturalia; volens enim esurivit, volens timuit', etc. Et similiter intelligendum est de beatis post resurrectionem et de hominibus in primo statu"; trans. Schmidt, *Truth*, 289.

Christ's human nature (and by extension in every human being): (1) The first is the sensual will, that is, the sensitive appetitive will, which is said to be "will" through its participation in the rational will (its ability to move a person to some act when the will permits a person to be moved in accordance with the inclination of the sense appetite). The sensual will or sense appetite is the "will" (in an equivocal sense) for sensible things apprehended as good and suitable. (2) The second is the rational will, "will" in the most proper sense. The rational will may be further distinguished as comprising both (2a) a natural rational will, which refers to the natural and necessary, and therefore non-voluntary inclination of the will for the good, and (2b) a *per se* rational will, which refers to the voluntary inclinations of the will for specific goods judged by reason to be good and suitable.⁴⁶

Aquinas holds that Christ, in order to fulfill the divine will of salvation, "permitted his flesh to do and to suffer what is proper to it,"⁴⁷ the implication being that Christ could have avoided all suffering had he willed it. Nothing experienced by Christ, therefore, was against his will, at least not his *per se* rational will. However, Aquinas does say that Christ's suffering was contrary both to his sensual will and his natural rational will. To Christ's sensual will, the torture of the flogging and crucifixion that awaited him could only be apprehended as fearsome since the sensual will naturally opposes what is contrary to the physical good of the body; and to his natural rational will, these same horrors could only cause it to shrink from them, since it naturally opposes what is contrary to the good of the whole person, which death and the separation of the soul from the body certainly are. What Christ by his *per se* rational will had freely chosen his sensual and natural rational wills necessarily refused. Aquinas, however, insists that these contrary wills never threatened to overcome Christ's *per se* rational will.⁴⁸

⁴⁶ ST 3.18.5 (2548a–b) "... in Christo secundum humanam naturam ponitur multiplex voluntas, scilicet voluntas sensualitatis, quae participative voluntas dicitur; et voluntas rationalis, sive consideretur per modum naturae, sive per modum rationis."

⁴⁷ Ibid. (2548b): "... permittebat carni agere et pati quae sunt ei propria."

⁴⁸ Ibid. (2548a): "Manifestum est autem quod voluntas sensualitatis refugit naturaliter dolores sensibiles et corporis laesionem. Similiter etiam voluntas ut natura repudiat ea quae naturae sunt contraria, et quae sunt secundum se mala, puta mortem et alia huiusmodi. Sed haec tamen voluntas quandoque per modum rationis eligere potest ex ordine ad finem, sicut etiam in aliquo puro homine sensualitas eius, et etiam voluntas absolute considerata refugit unctionem, quam voluntas secundum rationem eligit propter finem sanitatis. Voluntas autem Dei erat ut Christus dolores et passiones et mortem pateretur, non quod ista essent a Deo volita secundum se, sed ex ordine ad finem humanae salutis. Unde patet quod Christus secundum voluntatem sensualitatis, et secundum voluntatem rationis quae consideratur per modum naturae, aliud poterat velle quam Deus. Sed secundum voluntatem quae est per modum rationis, semper idem volebat quod Deus. Quod patet ex hoc ipso quod dicit [Matt. 26:39]: 'Non sicut ego volo, sed

Aquinas also argues that because these wills accorded with the rule of reason, they were not inordinate since fearsome things should be feared to a certain extent, even if reason judges that they must be endured.⁴⁹ Indeed, in *ST* 3.7.2 he argues that there were moral and intellectual virtues in Christ.⁵⁰ Far from being without fortitude, for example, he had it in the most perfect way. And if it is true that grace did not do away with the need of virtue in Christ, the more so for Adam and the Virgin. Hence, rather than supporting the thesis that temperance is a principle of virtuous, antecedent passion, Aquinas's account of the sufferings of Christ seems to further undermine it since the only kind of antecedent passion Christ experienced arose from natural principles, not from any acquired disposition such as temperance or fortitude.

What does all of this say about Aquinas's thoughts on the limits of temperance? In itself, temperance, being an acquired virtue, appears in his view to be capable of giving human beings only political control of the concupiscent appetite since, although it is able to prevent any vehement, inordinate antecedent passion from arising, it does not seem to have a similar effect on mild, ordinary or inordinate, antecedent passions. The cause of this limitation appears to be the natural ability of the sense appetite to move independently of reason's command, not some defect incurred by Adam's sin. That said, however, there are good reasons for thinking that Aquinas took this limit to be an actual or natural limit only, not an ideal limit. The perfection towards which temperance inclines, even if it cannot attain this goal without grace, is the complete and ordered subjection of the lower powers to reason. This is why Aquinas maintains there were no antecedent passions of any sort, virtuous or otherwise, in the first man prior to the Fall or in Christ and the Virgin during their earthly lives; it is also why he thinks there are no such passions in the blessed.

What, then, of the thesis that temperance might give rise to properly ordered mild antecedent passions in addition to preventing vehement antecedent passions from arising and disposing the sense appetite to obey reason? Although appealing as an account of the moral life of the virtuous after the Fall, there is as we have seen virtually no textual evidence in favor of it and a considerable body of evidence, both textual and theoretical, against it.

sicut tu.' Volebat enim, secundum rationis voluntatem divinam impleri, quamvis aliud dicat se velle secundum quondam aliam eius voluntatem."

⁴⁹ See *ST* 3.15.7 for Aquinas's discussion of fear in Christ.

⁵⁰ *ST* 3.7.2 (2466b): ". . . sicut gratia respicit essentiam animae, ita virtus respicit potentiam eius. Unde oportet quod sicut potentiae animae derivantur ab eius essentia, ita virtutes sunt quaedam derivationes gratiae. Quanto autem aliquod principium est perfectius, tanto magis imprimis suos effectus. Unde cum gratia Christi fuerit perfectissima, consequens est quod ex ipsa processerint virtutes ad perficiendum singulas potentias animae quantum ad omnes animae actus. Et ita Christus habuit omnes virtutes."

3. A CONCLUDING LACUNA

Far from ordering the antecedent passions of the virtuous, temperance either prevents them from arising in the first place or renders them so mild (but not necessarily ordered) as to prevent the temperate from ever having to fight their passions for mastery over their actions. This is not to say that their antecedent passions can never be good, directed to the good of reason. If some are thus directed, however, it is not due to the virtue of temperance, for reasons we have already discussed. This much appears to be clear from our examination of Aquinas's writings.

Yet even if one accepts the interpretation defended in these pages and the foregoing criticism of the spontaneity view of temperance, one might consider this accomplishment a pyrrhic victory at best since Aquinas's theory will now appear to be completely refuted by experience, which seems to teach that affective spontaneity is an essential feature of the moral life. One possible response to this criticism is suggested by Aquinas himself in *ST* 1-2.24.1, where he discusses whether moral goodness or evil can be found in the passions. Considered in themselves, the passions are morally neutral since they are not rational; but considered as capable of being commanded by reason, moral goodness or evil may be found in them. A passion is thus morally good or evil only if it is voluntary. One might suppose that by "voluntary" he means "commanded by the will." Aquinas, however, does not limit the term this way. Rather, he says that a passion is "voluntary either because it is commanded by the will, or because it is not prohibited [or checked] by the will."⁵¹ By "not prohibited" I take Aquinas to include cases in which a person experiences an antecedent passion and either (1) pays attention to it, and decides not to prohibit it, which amounts to permitting it to continue, or (2) pays little or no attention to it, and failing to prohibit it is said to have not prohibited it because he could have paid attention to it and have chosen to prohibit it. Given this understanding of "voluntary," an antecedent passion in a certain sense may become chosen and thus consequent.

⁵¹ *ST* 1-2.24.1 (849a–b): ". . . passiones animae dupliciter possunt considerari: uno modo, secundum se; alio modo, secundum quod subiaceat imperio rationis et voluntatis. Si igitur secundum se considerentur, prout scilicet sunt motus quidam irrationalis appetitus, sic non est in eis bonum vel malum morale, quod dependet a ratione, ut supra dictum est [q. 18.5]. Si autem considerentur secundum quod subiaceant imperio rationis et voluntatis, sic est in eis bonum vel malum morale. Propinquior enim est appetitus sensitivus ipsi rationi et voluntati, quam membra exteriora; quorum tamen motus et actus sunt boni vel mali moraliter, secundum quod sunt voluntarii. Unde multo magis et ipsae passiones, secundum quod sunt voluntariae, possunt dici bonae vel malae moraliter. Dicuntur autem voluntariae vel ex eo quod a voluntate imperantur, vel ex eo quod a voluntate non prohibentur."

Aquinas could therefore easily admit the *appearance* of affective spontaneity in the life of the temperate person without contradicting his theory of temperance simply by noting that antecedent passion can become virtuous through being consented to, either to continue or perhaps even to increase. On my interpretation, he does not teach that the virtuous never experience *mild* antecedent passion, only that they never (or, to be more precise, rarely) experience *vehement*, ordinary or inordinate, antecedent passion. As such, although Aquinas says nothing about it, there is nothing in his theory of temperance to prevent the temperate person from being such as to experience mild antecedent passions aplenty. And it is precisely by consenting to ordinary antecedent passions—that is, by not prohibiting them in either of the two ways mentioned above—that the temperate person renders them both consequent and virtuous: “consequent” because they continue to exist when they could have been willed not to; “virtuous” because temperance renders the sense appetite docile to reason by preventing vehement, antecedent passions of any kind from ever arising, thereby giving reason the ability to command the sense appetite consistently in accordance with the rule of reason. Therefore, what are taken to be mild or vehement, virtuous antecedent passions might, on Aquinas’s theory of temperance, simply be virtuous consequent passions that started out as mild and ordinary, but not virtuous, directed to the right goods in the right ways but not by temperance.

Although this solution takes us someway towards accounting for the spontaneity of the moral life, it does not go far enough since it appears unable to account for an important difference between the temperate and the continent revealed by experience, namely, the near consistency with which the former experiences ordinary antecedent passions, and the failure of the latter to do the same. (I say “near” consistency because the temperate will sometimes experience mild, inordinate, antecedent passions, the *fomes peccati* mentioned above.) Whether or not affective spontaneity is characteristic of the morally virtuous life, we should expect the antecedent passions of the temperate person to be ordinary most of the time; it would be strange if it turned out that the temperate person experienced just as many mild, inordinate, antecedent passions as the continent. But what explains this difference? What accounts for the consistency with which the temperate person experiences properly ordered mild antecedent passions?

If my reading of Aquinas is correct, he cannot say that it is due to the virtue of temperance since temperance only moderates antecedent passions; it does not order them. But neither can he appeal to the notion of voluntariness, for although it explains how a virtuous passion might appear to be spontaneous, it cannot explain the consistency with which the temperate person experiences

mild, *ordinate*, antecedent passions. What, then, is the answer? Aquinas does not say; but neither does he ask the question. It might be that, having set his sights on the supernatural perfection towards which the moral virtues tend, he overlooked what he might very well have considered a universal but contingent feature of the moral life of fallen man.⁵²

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⁵² I wish to thank all those who have commented on earlier versions of my paper. In particular, I would like to thank David Gallagher, my dissertation advisor, whose guidance, encouragement, and friendship were a constant boon in the often difficult task of formulating and defending the position presented in these pages; Alvin Plantinga and The Center for the Philosophy of Religion at the University of Notre Dame, whose generosity made it possible for me to spend the 2001–2002 academic year hewing my dissertation down to article size; and Lawrence Dewan, O.P., for his encouragement and helpful comments.

THE PROBLEM OF MORAL WEAKNESS, THE *PROPOSITIO MAGISTRALIS*, AND THE CONDEMNATION OF 1277

Peter S. Eardley

ON 7 March 1277, the bishop of Paris, Étienne Tempier, took a controversial step that is by now familiar to students of later medieval philosophy. In order to stem the growing tide of Aristotelianism, Averroism, and other forms of philosophical naturalism at the University of Paris, Tempier condemned 219 propositions (*articuli*) being disseminated in the faculty of arts.¹ On Tempier's list of forbidden teachings were such claims as that the world was eternal, that the soul did not survive the death of the body, that the human will was passively determined by external factors, and other similarly heterodox notions.² Tempier warned that those who propagated or even listened to such errors would be excommunicated unless they presented themselves to him or to the Chancellor within seven days of the censure, at which time they would receive an unspecified, though presumably lesser punishment.³ It is not

¹ For the burgeoning literature on the Condemnation, see J. A. Aertsen, K. Emery, Jr., and A. Speer, eds., *Nach der Verurteilung von 1277: Philosophie und Theologie an der Universität von Paris im letzten Viertel des 13. Jahrhunderts. Studien und Texte. Miscellanea Mediaevalia* 28 (Berlin, 2001); L. Bianchi, *Il vescovo e i filosofi: La condanna parigina del 1277 e l'evoluzione dell'aristotelismo scolastico* (Bergamo, 1990); R. Hissette, *Enquête sur les 219 articles condamnés à Paris le 7 mars 1277* (Louvain, 1977), and “Étienne Tempier et ses condamnations,” *Recherches de théologie ancienne et médiévale* 47 (1980): 231–70; J. M. M. H. Thijssen, *Censure and Heresy at the University of Paris, 1200–1400* (Philadelphia, 1998), 40–56; and J. F. Wippel, “The Condemnations of 1270 and 1277 at Paris,” *The Journal of Medieval and Renaissance Studies* 7 (1977): 169–201.

² The condemned propositions were originally edited and listed in their original form by H. Denifle and A. Chatelain, *Chartularium Universitatis Parisiensis*, 4 vols. (Paris, 1891–99; rpt. Brussels, 1964), 1:543–58. Pierre Mandonnet later reorganized the numbering of the articles so as to group them more systematically according to theme in his *Siger de Brabant et l'averroïsme latin au XIII^e siècle*, pt. 2 (Louvain, 1908), 175–91. These editions have been superseded by D. Piché, ed., *La condamnation parisienne de 1277: Texte latin, traduction et commentaire* (Paris, 1999). In this edition, which is followed here, Piché adopts the original numeration of the articles, although he places the Mandonnet numbering in brackets next to each article. It should also be noted that in four of the manuscripts he consulted Piché has found reference to an additional article, which would bring the total number of condemned theses from 219 to 220; see *ibid.*, 24.

³ Piché, ed., *La condamnation parisienne*, 78: “... per eandem nostram sententiam

difficult to appreciate why ecclesiastical authorities such as Tempier should have been concerned about what was being taught at Paris. It has long been recognized that it was to the theology masters at the University that popes in the thirteenth century turned when they required clarification on official doctrine.⁴ The possibility that heterodox views might be influencing young students in the faculty of arts, some of whom would presumably go on to become theologians, was undoubtedly seen as sufficient cause for action.

The long-term impact of this infamous condemnation is no longer quite as clear-cut as it used to be. The traditional view amongst intellectual historians and historians of science was that, by discrediting Aristotle, it created the conditions that would eventually free the medieval mind from the grip of Aristotelian explanations of the world and thus encourage alternative cosmologies to emerge. This would in turn create an intellectual atmosphere conducive to the rise of modern science.⁵ Pierre Duhem, the respected nineteenth-century historian of science, went so far as to refer to the Condemnation of 1277 as “la naissance de la Science moderne.”⁶ In addition, it was more or less accepted by some of the most distinguished historians of medieval philosophy that the Condemnation had implications for the development of Western philosophy, representing, it was thought, the point at which the medieval synthesis of Greek philosophy and Christian theology finally began to rupture. The result of Tempier’s condemnation was that philosophy and theology, so closely linked for so many centuries, would begin the long divorce that would eventually culminate in the rationalistic philosophy of the great architect of modern thought: René Descartes. It should be stressed that not all historians have seen this putative development as salutary. To those of a Gil-

condempnamus in omnes qui dictos rotulos, libros, quaternos dogmatizauerint, aut audierint, nisi infra septem dies nobis vel cancellario parisiensi predicto reuelauerint eo modo quo superius expressum, in hiis scriptis excommunicationis sententiam proferentes, ad alias penas, prout culpe qualitas exegerit, nichilominus processuri.”

⁴ M. Asztalos, “The Faculty of Theology,” in *A History of the University in Europe: Vol. I, Universities in the Middle Ages*, 2 vols., ed. H. de Ridder-Symoens (Cambridge, 1992), 1:413.

⁵ The most prominent exponent of this view was P. Duhem, *Études sur Léonard de Vinci: Ceux qu'il a lus et ceux qui l'ont lu*, 3 vols. (Paris, 1906–13), 2:412. On the influence of Duhem, see L. Bianchi, *Il vescovo e i filosofi*, 14–16. For a general defense of the Duhemian position, see E. Grant, “The Condemnation of 1277, God’s Absolute Power, and Physical Thought in the Late Middle Ages,” *Viator* 10 (1979): 211–244. Among Duhem’s critics are A. Koyré, “Le vide et l’espace infini au XIV^e siècle,” *Archives d’histoire doctrinale et littéraire du moyen âge* 24 (1949): 45–91; L. Bianchi, “1277: A Turning Point in Medieval Philosophy?” in *Was ist Philosophie im Mittelalter?* ed. J. A. Aertsen and A. Speer, *Miscellanea Mediaevalia* 26 (Berlin, 1998), 90–110; J. E. Murdoch, “Pierre Duhem and the History of Late Medieval Science and Philosophy in the Latin West,” in *Gli Studi di Filosofia Medievale fra Otto e Novecento*, ed. R. Imbach and A. Maierù (Rome, 1991), 253–302.

⁶ Duhem, *Études sur Léonard de Vinci*, 2: 412.

sonian inclination, the Condemnation had the deleterious effect of paving the way for nominalism, skepticism, and, in general, a decline in the religious orientation of philosophy.⁷ Whatever one now thinks of the Condemnation, its historical significance, it used to be thought, was considerable.

This traditional interpretation has recently been questioned by intellectual historians who see the Condemnation not as the overarching cause, but rather the result of challenges to Aristotle that had already started to emerge at the University of Paris with thinkers such as Bonaventure.⁸ They argue that even though the philosophical atmosphere may have changed after 1277 it does not follow that the Condemnation was the cause of this transformation. To hold such a view is to commit the fallacy of arguing *post hoc, ergo propter hoc*.⁹ Rather, the Condemnation should more accurately be seen as a mere episode in the maturation of philosophy towards becoming an autonomous discipline. And in any case, Tempier's action did not even stamp out the popularity of Aristotle, which existed well into the fourteenth century and beyond.¹⁰

Whether the Condemnation was responsible for altering the course of intellectual history, or whether it was merely a symptom in the emerging breakdown of the scholastic synthesis and the rise of modern science is beyond the scope of the present article. Whatever its wider significance, the immediate impact of the Condemnation was that it exerted, I hope to establish, a decisive and immediate influence on debates surrounding moral weakness in the late thirteenth century.¹¹ Throughout the article, this term will be used to denote what the medievals understood by *incontinentia*, or sinning from weakness (*ex infirmitate*), and the ancients understood by ἀκρασία, that is, action against one's better judgment with respect to such objects of the sense appetite as food, drink, and sex. In particular I would like to focus on the impact that the Condemnation had on the theories of moral weakness of two of the most prominent thinkers of the period: Henry of Ghent (†1293), who served

⁷ Cf. E. Gilson, *History of Christian Philosophy in the Middle Ages* (New York, 1955), 363–410, 465; and A. A. Maurer, *Medieval Philosophy*, 2d ed. (Toronto, 1982), 204–7. For a critique of the Gilsonian position, see L. Bianchi, “1277: A Turning Point in Medieval Philosophy?” 101–5.

⁸ See, e.g., J. E. Murdoch, “1277 and Late Medieval Natural Philosophy,” in *Was ist Philosophie im Mittelalter?* 111–21; M. W. F. Stone, “Moral Psychology after 1277: Did the Parisian Condemnation Make a Difference to Philosophical Discussions of Human Agency?” in *Nach der Verurteilung von 1277*, 811; and Bianchi, “1277: A Turning Point in Medieval Philosophy?” 108–10.

⁹ Murdoch, “1277 and Late Medieval Natural Philosophy,” 113.

¹⁰ Bianchi, “1277: A Turning Point in Medieval Philosophy?” 109.

¹¹ For a broader discussion of the influence of the Condemnations on ethical debates in the late thirteenth century, see B. Kent, “Evil in Later Medieval Philosophy,” *Journal of the History of Philosophy* (forthcoming).

on the theological commission responsible for drafting Tempier's syllabus of condemned articles, and Giles of Rome (ca. 1247–1316), a former pupil of Aquinas and the target of a related and specific enquiry by Tempier.

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The late thirteenth century debate on moral weakness was complicated by institutional factors surrounding the academic career of Giles of Rome. In his early commentary on Book 1 of the *Sentences*, the *ordinatio* of which has been dated to 1271–73, Giles twice made the claim that there is never *malitia* in the will unless there is error in the intellect (*non est malitia in voluntate nisi sit error in ratione*).¹² Giles's contemporaries interpreted this in one of two ways. Étienne Tempier, for one, apparently interpreted it to mean that Giles was defending the claim that the intellect is the cause of evil (*malitia*) in the will.¹³ That is, he took Giles to be an adherent of the Socratic Paradox, the extreme intellectualist theory that denies the possibility that rational agents can act from moral weakness or a disordered will. Rather, for proponents of this view, they do wrong as a result of ignorance.¹⁴ At least partly for this reason

¹² Giles of Rome, *In primum librum sententiarum* (Venice, 1521; rpt., Frankfurt am Main, 1968), d. 17, p. 1, q. 1 (89vM); and d. 47, p. 2, q. 1 (237G). On the dating of Giles's commentary on the *Sentences*, see F. del Punta and C. Trifogli, "Giles of Rome," in *Routledge Encyclopedia of Philosophy* (London, 1998), 4:76.

¹³ The Latin term *malitia* is difficult to capture adequately with a single English term. Although etymologically it is related to the English word "malice," which commonly refers to deliberate moral wrongdoing, it has much broader connotations in the medieval tradition. Literally, *malitia* means something akin to "badness" or "wickedness," and therefore refers, in its widest sense, to any sin regardless of whether its source is ignorance, passion, or the will. And although the more specific term "sinning from deliberate malice" (*peccare ex certa malitia*) does signal intentional wrongdoing and therefore comes closer to our understanding of malice, it is still not restricted to intentional wrongdoing against others. Rather, it is wide enough to include wrongdoing against oneself, where such wrongdoing is not hindered by ignorance or passion, such as eating more than one should, despite being aware that to do so is to act against right reason. For a useful discussion of medieval ethical terminology, see B. Kent, "The Moral Life," in *The Cambridge Companion to Medieval Philosophy*, ed. A. S. McGrade (Cambridge, 2003), 243–44, and "Evil in Later Medieval Philosophy" (as in n. 11 above). See also E. M. Cook, *The Deficient Causes of Moral Evil According to St. Thomas* (Washington, D.C., 1996); G. Reichenberg, "Beyond Privation: Moral Evil in Aquinas's *De Malo*," *Review of Metaphysics* 55 (2002): 777–79; and C. Steel, "Does Evil Have a Cause? Augustine's Perplexity and Thomas's Answer," *Review of Metaphysics* 48 (1994): 260–67.

¹⁴ S. D. Dumont, "Time, Contradiction and Freedom of the Will in the Late Thirteenth Century," *Documenti e studi sulla tradizione filosofica medievale* 3.2 (1992): 577–79; J. de Blic, "L'intellectualisme moral chez deux aristotéliciens de la fin du XIII^e siècle," in *Miscellanea moralia in honorem eximii Domini Arthur Janssen*, 2 vols. (Louvain, 1948), 1:45–61.

Giles became the target of a separate and specific enquiry by Tempier, and was initially denied his license to teach theology, only to be rehabilitated eight years after the Condemnation.¹⁵ To imply that wrongdoing is the result of ignorance rather than *malitia* was seen by Tempier as tantamount to defending a doctrinally suspect theory of the will which would, if accepted, threaten Catholic teaching on sin, moral responsibility, and the need for grace.¹⁶

And yet the matter is not quite so simple. For when Henry of Ghent was charged by Tempier to examine Giles's Commentary on the *Sentences*, he and the other theology masters who had also been responsible for drafting the Condemnation of 1277 conceded the thesis that there cannot be evil in the will without some error in the intellect. Thereafter, the proposition *non est malitia in voluntate nisi sit error in ratione* became somewhat controversially known as the *propositio magistralis*, that is, the "proposition conceded by the masters" (*propositio a magistris concessa*).¹⁷ This was curious, to say the least, since the *propositio magistralis* (hereafter PM) very closely resembled, in essence at any rate, articles 129 and 130 of the Condemnations, the latter of which Tempier prohibited on the grounds that it endorsed intellectualist conceptions of the will and the "error of Pelagius":

(129) Quod voluntas, manente passione et scientia particulari in actu, non potest agere contra eam. (130) Quod si ratio recta, et voluntas recta. – Error, quia contra glossam augustini super illud psalmi: "Concupiuit anima mea desiderare," etc., et quia secundum hoc, ad rectitudinem voluntatis non esset necessaria gratia, set solum scientia, quod fuit error pelagii.¹⁸

Nonetheless, Henry, the leading voluntarist of the period, did not find that the magisterial proposition had necessarily to be interpreted as an intellectualist thesis that contradicted the voluntaristic intention behind Tempier's pro-

¹⁵ Cf. E. Hocedez, "La condamnation de Gilles de Rome," *Recherches de Théologie ancienne et médiévale* 4 (1932): 34–58; Thijssen, *Censure and Heresy*, 52–56; and R. Wielockx, ed., *Apologia (Aegidii Romani Opera omnia* III.1 [Florence, 1985], 114–18). The latter work is Wielockx's edition of and commentary on Giles's defense of the fifty errors charged against him by Tempier. See also nn. 61 and 62 below.

¹⁶ On the numerous articles pertaining to cognitive determinism and other intellectualistic conceptions of the will and human freedom, see Hissette, *Enquête sur les 219 articles condamnés à Paris le 7 mars 1277* (Louvain, 1977), 239–263; B. Kent, *Virtues of the Will: The Transformation of Ethics in the Late Thirteenth Century* (Washington, D.C., 1995), 76–79; F.-X. Putallaz, *Insolente liberté: Controverses et condamnations au XIII^e siècle* (Fribourg, 1995), 65–91; and J. F. Wippel, "Thomas Aquinas and the Condemnation of 1277," *The Modern Schoolman* 72 (1994–95): 255–61.

¹⁷ The proposition is actually found in two slightly different forms in Giles's *Apologia*. See Dumont, "Time, Contradiction and Freedom of the Will," 579, and nn. 94 and 95 below.

¹⁸ Piché, ed., *La condamnation parisienne*, 118. Articles 129 and 130 were renumbered by Mandonnet as 169 and 166, respectively; see *Siger de Brabant et l'Averroïsme* 2:188.

hibitions nor, presumably, did he think that it implied the heresy of Pelagius. Henry's adversaries did not share this belief, however, and accordingly called upon him to demonstrate that he had not in fact contradicted himself in 1277. He would be required, in other words, to show that the Condemnation of 1277 and the magisterial proposition were not, despite appearances, incommensurable. Henry thereafter devoted considerable energy to defending the ways in which the PM and the Condemnation could be reconciled.

Although the PM was not only open to interpretation, but also actually interpreted differently by Giles's contemporaries, the question of whether he himself was defending its intellectualist or its voluntarist form has yet to be addressed in the contemporary literature. This may have something to do with the fact that the contexts in which Giles explicitly claims that there is never *malitia* in the will without error in the intellect in the early *ordinatio* do not give an indication, one way or another, as to whether he was in fact defending the intellectualist position on moral weakness, as Tempier believed, or not.

With the recent discovery and edition of Giles's *reportatio* of his lectures on the *Sentences*, however, new evidence has emerged that sheds light on this question.¹⁹ For in these lectures, which also reflect Giles's early views, having probably been delivered between 1269–71, it is clear that he was explicitly defending, if not the Socratic Paradox per se, then at least the Thomistic, and therefore moderately intellectualistic understanding of moral weakness.²⁰ That is, in this work, where Giles explicitly discusses the possibility of sinning from weakness (*ex infirmitate*), in order to account for incontinence he accords a dominant role to the failure of reason under the influence of passion. Moreover, his account in the *reportatio* is virtually identical to Aquinas's, whom he often follows practically verbatim.

The present article will also establish that although Giles continued to defend the notion that there is never *malitia* in the will without error in the intellect after his return to Paris in the later, mature Quodlibets, composed almost ten years after the Condemnation between 1286 and 1291, the context there demonstrates that he shifted his views on moral weakness.²¹ Thereafter, the textual evidence shows that he was now adopting the voluntarist position

¹⁹ C. Luna, ed., *Reportatio Lecturae super Libros I-IV Sententiarum. Reportatio Monacensis. Excerpta Godfridi de Fontibus (Aegidii Romani Opera omnia III.2* [Florence, 2003]). For a useful discussion and review of this important edition, see M. Pickavé, "An Early Witness of the *Reportatio* of Giles of Rome's Lectures on the *Sentences*: Note on the Edition of Concetta Luna," *Recherches de théologie et philosophie médiévales* 72 (2005): 215–225.

²⁰ On the dating of this work, see Luna, "Introduzione," *Reportatio Lecturae*, 16–24.

²¹ For the dating of Giles's Quodlibets, see Del Punta and Trifogli, "Giles of Rome," 76–77; and P. Glorieux, *La littérature quodlibétique de 1260 à 1320*, 2 vols. (Paris, 1925–35), 1:140–48.

on incontinence. That is, in contrast to his early works, in the later works he explains moral weakness ultimately in terms of a disordered, autonomous will as opposed to an erroneous intellect. I hope to establish, moreover, that the particular type of voluntarism that Giles defends in his mature writings on moral weakness bears a striking resemblance to—and probable reliance on—Henry of Ghent. This is significant, because contemporary scholars have often supposed that Giles and Henry were intellectual opponents on the question of human freedom and action.²² But this view arguably needs to be revisited and qualified in order to bring it into line with an older, medieval interpretation that regarded Henry and Giles as essentially allies in their defense of the primacy of the will, at least in the latter's mature works.²³ Whatever the case, Giles's views on moral weakness changed upon his return to Paris, so that the textual evidence now favours a developmental interpretation of his psychology of evil.²⁴ Whether this was due to the difficulties he faced when he was a young bachelor of theology is a matter for conjecture.

²² Cf. O. Lottin, *Psychologie et morale aux XII^e et XIII^e siècles*, 6 vols. (Louvain and Gembloux, 1942–60), 1:315; and Putallaz, *Insolente liberté*, 246.

²³ Evidence for this interpretation can be found in a text by an “ardent disciple” of Godfrey of Fontaines that Jean Hoffmans published in 1934, which contains a *tabula discordiarum*, or list of disagreements, between Godfrey and his contemporaries. From reading this *tabula*, there is little question that the author considered Giles a voluntarist. Evidence for this is the author’s tendency to identify Giles with Henry of Ghent as a common target of Godfrey on issues related to the primacy of the will. Cf. J. Hoffmans “La Table des divergences et innovations doctrinales de Godefroid de Fontaines,” *Revue néoscolastique de philosophie* 36 (1934): 427.

²⁴ Although most of the contemporary literature that discusses Giles's action theory rightly recognizes that he is both indebted to Aquinas in his desire to preserve the rationality of choice and indebted to the voluntarist tradition in trying to preserve the freedom and autonomy of the will, it has generally gone unnoticed that his theory may have undergone a shift between the early works and the more mature works. This is certainly true of my own previously published work on Giles, as well as that of others. Undoubtedly, this has something to do with the fact that the most accessible text where Giles lays out his moral psychology has to date been his later *Quodlibets*. The welcome recent publication of Luna's edition of the *reportatio* will provide scholars with a fuller account of Giles's action theory and its development. The present article is a first attempt in this direction. For contemporary treatments, see S. Donati, “Giles of Rome,” in *A Companion to Philosophy in the Middle Ages*, ed. J. Gracia and T. Noone (Oxford, 2002), 270; P. S. Eardley, “Thomas Aquinas and Giles of Rome on the Will,” *Review of Metaphysics* 56 (2003): 835–62, and “The Foundations of Freedom in Later Medieval Philosophy: Giles of Rome and his Contemporaries,” *Journal of the History of Philosophy* 44 (2006): 353–76; B. Kent, *Aristotle and the Franciscans: Gerald Odonis' Commentary on the Nicomachean Ethics* (Ph.D. diss., Columbia University, 1981); J. B. Korolec, “Free Will and Free Choice,” in *The Cambridge History of Later Medieval Philosophy*, ed. N. Kretzmann, A. Kenny, and J. Pinborg (Cambridge, 1982), 637; Lottin, *Psychologie et morale* 1:315–18; Putallaz, *Insolente liberté*, 225–32, 235–40; and A. San Cristóbal Sebastián, *Controversias acerca de la voluntad desde 1270 à 1300* (Madrid, 1958), 171.

In what follows, I shall begin by examining the background to Giles and Henry's theories on incontinence, and specifically the views of Thomas Aquinas. I will then proceed to discuss Henry of Ghent's relationship to the Condemnation of 1277 and the PM, before turning to Giles of Rome's philosophical development from intellectualism in the *reportatio* to voluntarism in the *Quodlibetal Questions* on the problem of moral weakness.

1. THOMAS AQUINAS AND THE CONDEMNATION OF 1277

Among the 219 propositions condemned as contrary to the faith by Tempier in 1277, two, as noted, concerned the Socratic Paradox, at least as the scholastics construed it. Framed in its ancient context, the issue was whether rational agents can act from moral weakness, that is, can act against their own better judgement. Socrates, of course, famously held that they could not. He thought that it would be “strange if such a fine thing as knowledge ($\epsilon\piιστήμη$) were nothing other than a slave that could be dragged about by all the other affections” (*Protagoras* 352B). He concluded that if the wrongdoer knew better, he would do better. All illicit behaviour is therefore, according to Socrates, the result of ignorance (*Protagoras* 352A–358D; *Meno* 77C–79D; *Gorgias* 468A–469A).

Aristotle held a rather more nuanced view of moral weakness ($\alpha\kappaρασία$). Accordingly, consensus has yet to be achieved over whether he was in fundamental agreement with the Socratic position or not. Scholars divide into two camps over this issue. First, there are those who attribute to Aristotle—in contrast to Socrates—acceptance of the possibility that rational agents can indeed act against their own better judgement.²⁵ The alternative view, by contrast, holds that, for Aristotle, akratic actions are ultimately due to a cognitive defect at some level so that, as one recent exegete has put it, “Aristotle manages to find an explanation of moral weakness that disturbs the Socratic position as little as possible.”²⁶ We may call this the majority view in the contemporary literature, as well as the interpretation of Aristotle that the medievals accepted.

²⁵ Cf. D. Charles, *Aristotle's Philosophy of Action* (London, 1984), 146; and N. O. Dahl, *Practical Reason, Aristotle and Weakness of Will* (Minneapolis, 1984), 218.

²⁶ D. S. Hutchinson, “Ethics” in *The Cambridge Companion to Aristotle*, ed. J. Barnes (Cambridge, 1995), 217. For others who defend this reading of Aristotle, see W. Charlton, *Weakness of Will: A Philosophical Introduction* (Oxford, 1988), 46; R. Robinson, “Aristotle on Akrasia,” in *Articles on Aristotle 2: Ethics and Politics*, ed. J. Barnes (London, 1977), 79–91; J. Walsh, *Aristotle's Conception of Moral Weakness* (New York, 1963); and D. Wiggins, “Weakness of Will, Commensurability, and the Objects of Deliberation and Desire,” in *Essays on Aristotle's Ethics*, ed. A. O. Rorty (Berkeley, 1980), 241–65.

In general terms, the Aristotelian view can be detected in the medieval intellectualist notion that the will can never act against a correct, particular judgement of practical reason.²⁷ Because the will is the rational appetite, that is, an appetite for the good as apprehended by reason, it necessarily follows where the intellect leads it. When the will does desire the opposite of right reason, this is because of an antecedent error in practical deliberation. Sins arising from weakness can therefore be attributed ultimately to a failure of reason. Intellectualists teaching at Paris prior to the Condemnation of 1277 such as Thomas Aquinas notoriously defended, or were taken to defend this position.²⁸

In 1277 Tempier and his commission of theologians condemned as contrary to the faith the claim that the will necessarily follows the intellect and is therefore incapable of acting out of *malitia*. Articles 129 and 130, in particular, encapsulate the notion that rational agents never do wrong knowingly or deliberately.²⁹ Recall, these articles defend the intellectualist view “that the will, while desire and particular knowledge remain in act, cannot act contrary to that knowledge,” and “that if reason is correct, then the will is correct.”³⁰

We have it on the testimony of Godfrey of Fontaines (†1306/9) that the inclusion of articles 129 and 130 on Tempier’s syllabus touched on Thomas’s teachings, having the damaging effect of discouraging students from taking seriously his “very useful teaching” (*perutilis doctrina*).³¹ The latter proposition—*quod si ratio recta, et voluntas recta*—was very close, for example, to Aquinas’s claim that the will is determined by the intellect to follow the conclusions of practical deliberation.³² That Aquinas was also implicated by article

²⁷ Dumont, “Time, Contradiction and Freedom of the Will,” 579.

²⁸ There has been some debate in the contemporary literature over whether Aquinas was an intellectualist or a voluntarist, or indeed, whether he changed his mind about the nature of the will. Although the current article defends the view that Aquinas was a moderate intellectualist, this is not accepted by everyone. For a recent review of the literature on this matter, see Eardley, “Thomas Aquinas and Giles of Rome,” 836–39. See also D. Westberg, “Did Aquinas Change His Mind About the Will?” *The Thomist* 58 (1994): 41–60.

²⁹ Cf. Hissette, *Enquête sur les 219 articles*, 257–60; 262.

³⁰ See n. 18 above.

³¹ Godfrey of Fontaines, *Quod. XII*, q. 5 (J. Hoffmans ed., *Les Quodlibets onze-quatorze de Godefroid de Fontaines*. Louvain, 1932), 102: “Item in dictis articulis continentur hi: quod voluntas manente passione et scientia particulari in actu non potest agere contra eam; error. Item si ratio recta et voluntas recta; error. . . . Sunt etiam in detrimentum non modicum doctrinae studentibus perutilissimi et excellentissimi doctoris, scilicet Fratris Thomae, quae ex praedictis articulis minus iuste aliqualiter diffamatur.” See also L. Bianchi, *Il vescovo e i filosofi*, 168–69; Hissette, *Enquête sur les 219 articles*, 257–63; Hochedez, “La condamnation de Gilles de Rome,” 34; and Wippel, “Thomas Aquinas and the Condemnation of 1277,” 257–60.

³² Thomas Aquinas, *Summa theologiae* (hereafter *ST*) 1-2.13.6 c.

129 is corroborated by John of Naples who, in 1315/16, was still defending Thomas from his putative association with the Condemnation of 1277.³³ John informs us that the content of article 129 in particular was thought to be reminiscent of Aquinas's own views on moral weakness in the *Summa theologiae*.³⁴

At *ST* 1-2.77.2, Aquinas is discussing whether reason can be overcome by passion against its knowledge (*scientia*). Here he follows the Aristotelian view in that the incontinent reasons in syllogisms that consist of *four* propositions (*propositiones*) rather than the usual three.³⁵ Specifically, the incontinent employs two universal propositions, one which is derived from reason, e.g., that “No fornication is lawful,” and another that comes from passion, asserting that “Pleasure is to be pursued.” The third and fourth propositions consist of a minor premise, and a conclusion. Now because passion is quite strongly present in the incontinent, it “binds reason so that it cannot deduce and conclude under the first proposition; with the result that as long as the passion lasts, reason deduces and concludes under the second.”³⁶ Thomas explicitly follows Aristotle here, rather than Socrates, in pointing out that experience teaches that rational agents are in fact capable of acting from weakness. This, however, is because, where incontinence is concerned, the influence of passion fetters or otherwise causes a defect in right reason, which in turn hinders the rectitude of the will.³⁷ Aquinas’s emphasis on the defectiveness of reason

³³ This is contained in John’s “Quaestio Magistri Ioannis de Neapoli O.Pr. ‘Utrum licite possit doceri Parisius doctrina fratris Thomae quantum ad omnes conclusiones eius’ hic primum in lucem edita,” ed. C. Jellouschek, in *Xenia Thomistica*, 3 vols. (Rome, 1925), 3:73–104; for John’s specific defense of Aquinas against the latter’s association with article 129, see 3:93–98.

³⁴ Ibid. 3:93–98.

³⁵ Aristotle, *NE* (1147a25-b6).

³⁶ Aquinas, *ST* 1-2.77.2 ad 4: “. . . ille qui habet scientiam in universali, propter passionem impeditur ne possit sub illa universali sumere, et ad conclusionem pervenire; sed assumit sub alia universali, quam suggestit inclinatio passionis, et sub ea concludit. Unde Philosopher dicit in VII *Eth.*, quod syllogismus incontinentis habet quatuor propositiones, duas universales: quarum una est rationis, puta nullam fornicationem esse committendam; alia est passionis, puta delectationem esse sectandam. Passio igitur ligat rationem ne assumat et concludat sub prima; unde ea durante, assumit et concludit sub secunda.”

³⁷ Ibid., c.: “Cum enim ad recte agendum homo dirigatur dupli scientia, scilicet universali et particulari; utriusque defectus sufficit ad hoc quod impediatur rectitudo operis et voluntatis . . .”; “[passio] impedit [considerationem] autem tripliciter. Primo, per quandam distractiōnem. . . Secundo, per contrarietatem: quia plerumque passio inclinat ad contrarium huius quod scientia universalis habet. Tertio, per quandam immutationem corporalem, ex qua ratio quodammodo ligatur, ne libere in actum exeat: sicut etiam somnus vel ebrietas, quadam corporali transmutatione facta, ligant usum rationis. Et quod hoc contingat in passionibus, patet ex hoc quod aliquando, cum passiones multum intenduntur, homo amittit totaliter usum rationis:

to account for incontinence would explain, at least in part, why some of his teachings came to be associated with articles 129 and 130 of the Condemnation.

A striking feature of *ST* 1-2.77.2 is the inclusion of what appears to be a proto-version of the PM. Here Aquinas concedes that Socrates was “somewhat correct” (*aliquid recte*) to regard sin as a kind of ignorance. Because the will can only desire the good, real or apparent, Aquinas claims that when it is moved to something evil, this must be due to the object *appearing* good in some form or another. The result, Aquinas remarks, is that “the will would never tend toward evil (*malum*) unless there were some error or lack of knowledge in the intellect.”³⁸ This, of course, is very close to the phrasing of the PM:

Aquinas, *ST* 1-2.77.2 c.

Giles, *In I Sent.* d. 47, p. 2, q. 1

Voluntas numquam in malum tenderet, nisi cum aliqua ignorantia vel errore rationis.

Numquam est malitia in voluntate, nisi sit error vel saltem aliqua nescientia in ratione.

Yet Aquinas was hardly an extreme intellectualist on the question of moral weakness. It has been observed that Thomas, in contrast to Aristotle, regards the incontinent, qua incontinent, as having the ability to act in accordance with his choice.³⁹ Because the will only ever desires an object *sub ratione boni*, it follows that when rational agents make a bad decision, the object of the choice must have been regarded as somehow good. Passion, so Thomas thinks, does not merely hinder the recognition that the act in question is bad. It actually produces the mistaken belief that the action is *good*, permitting the incontinent to choose it. On such an account, incontinence resembles vice, albeit a “transitory” one.⁴⁰

multi enim propter abundantiam amoris et irae, sunt in insaniam conversi. Et per hunc modum passio trahit rationem ad iudicandum in particulari contra scientiam quam habet in universali.”

³⁸ Aquinas, *ST* 1-2.77.2 c.: “. . . opinio Socratis fuit, ut Philosophus dicit in VII Eth., quod scientia nunquam posset superari a passione. Unde ponebat omnes virtutes esse scientias, et omnia peccata esse ignorantias. In quo quidem aliquid recte sapiebat. Quia cum voluntas sit boni vel apparentis boni, nunquam voluntas in malum moveretur, nisi id quod non est bonum, aliquid rationi bonum appareat; et propter hoc voluntas nunquam in malum tenderet, nisi cum aliqua ignorantia vel errore rationis.”

³⁹ Kent, “Transitory Vice,” 199–223. For the texts on which this interpretation is based, see *ST* 1-2.77.2 ad 2: “Dicendum quod hoc ipsum quod rationi videatur in particulari aliquid bonum quod non est bonum, contingit ex aliqua passione. Et tamen hoc particulare iudicium est contra universalem scientiam rationis.” See also *De malo* 3.9 c. and ad 4; and *De veritate* 26.10 c.

⁴⁰ Kent, “Transitory Vice,” 203–17. Cf. also R. Saarinen, *Weakness of the Will in Medieval Thought: From Augustine to Buridan* (Leiden, 1994), 121–25.

The foregoing teaching represents a divergence from Aristotle's own theory of akratic behavior, and indeed from that of any pure intellectualist. Granted that there are difficulties associated with interpreting Aristotle's theory of $\alpha\kappa\rho\alpha\sigma\iota\alpha$, it is quite clear that, on this point anyway, he does not draw the same conclusion that Aquinas later would in his account of incontinence. Rather, Aristotle maintains that the akratic acts *against* his choice or purpose, which is precisely why he is said to suffer *post factum* regret.⁴¹ The source of this divergence between Thomas and Aristotle has been attributed to the fact that the former accords a role to the will in every human act, while the latter does not. For Aristotle, action can spring directly from passion, whereas for Thomas all human action springs from the will.⁴² Aquinas, then, was hardly an extreme intellectualist on the question of moral weakness.

Even granting these subtleties, however, Thomas frequently emphasized the intellectualist notion that the will always follows what is firmly held by reason.⁴³ He also argued that rationality was the foundation of human freedom, for “the whole formal character (*ratio*) of freedom depends on the manner of knowing”⁴⁴ For Thomas, it is the capacity to conceive of opposite states of affairs that ultimately grounds human freedom, “for man is master of his own acts because he can deliberate about them, for in deliberating, reason is related to opposites, *⟨so that⟩* the will can *⟨tend⟩* to either.”⁴⁵ Additionally, Aquinas emphasizes that every act of the will must be preceded in the first instance by a determining act of the intellect.⁴⁶ Finally, and most pertinent for our purposes, Thomas claimed that there can never be sin in the will, that is, that the will can never desire evil unless there “exists beforehand” a defect in the intellect.⁴⁷ His endorsement of such positions would explain why articles 129 and 130 of the Condemnation were believed to have touched on his views of the psychology of evil. Whether Aquinas was directly targeted by Tempier or

⁴¹ Aristotle, *EN* (1146b22–24, 1148a9–10, 1151a5–7).

⁴² Kent, “Transitory Vice,” 219.

⁴³ Aquinas, *ST* 1-2.77.1 c.: “Unde per consequens iudicium rationis plerumque sequitur passionem appetitus sensitivi, et per consequens motus voluntatis, qui natus est semper sequi iudicium rationis” (Ottawa edition, 1136a; the Leonine edition, 7:61, excludes “semper,” citing it only as a variant reading).

⁴⁴ Idem, *De veritate* 24.2 c.

⁴⁵ Idem, *ST* 1-2.6.2 ad 2: “... homo est dominus sui actus, quod habet deliberationem de suis actibus: ex hoc enim ratio deliberans se habet ad opposita, voluntas in utrumque potest.”

⁴⁶ Idem, *ST* 1.82.4 ad 3: “... dicendum quod non oportet procedere in infinitum, sed statur in intellectu sicut in primo. Omnem enim voluntatis motum necesse est quod praecedat apprehensio: sed non omnem apprehensionem praecedat motus voluntatis. . .”

⁴⁷ Idem, *De veritate* 24.8 c.: “non potest esse peccatum in motu voluntatis, scilicet quod malum appetat, nisi in apprehensiva virtute defectus praexistat, per quem sibi malum ut bonum proponatur.”

not has been debated in the literature, with little consensus having so far been achieved.⁴⁸ What seems certain, however, is that many of Thomas's younger contemporaries who were sympathetic to his views, such as Godfrey of Fontaines and John of Naples, believed that, at the very least, he was implicated.

2. HENRY OF GHENT AND THE PM

It is now generally recognized that Henry of Ghent had at least some influence on the Condemnation of 1277, more than likely providing a motivation for the prohibition of several propositions, particularly those concerning the will.⁴⁹ This should come as no surprise, given that Henry was one of the sixteen theologians who helped draft Tempier's syllabus.⁵⁰ Indeed, Henry's opposition to the intellectualist content of articles 129 and 130 was rather forcefully articulated in his first set of *Quodlibetal Questions*, dated by Gómez Caffarena to Advent 1276.⁵¹

Henry of Ghent's main goal in *Quodlibet I*, q. 16 and q. 17 is to demonstrate, against intellectualist attempts to explain away moral weakness, that rational agents can in fact sin voluntarily. He attempts to show that if there is ignorance involved in sin, then it is nonetheless a voluntary ignorance. He regards the claim that rational agents can sin deliberately as crucial, since it is the only philosophical position that can make sense of Catholic teaching on Adam's sin. According to Henry, if the intellectualist teaching is correct then it would have been impossible for Adam to have fallen from grace, since his intellect would have been in a state of rectitude, error being a punishment for sin. Thus, if the will always follows right reason, Adam, whose intellect was in a state of complete rectitude prior to the Fall, would not have sinned. In short, man has to be able to act against right reason, according to Henry, in order to account for original sin and therefore the need for grace.⁵² Further-

⁴⁸ Hissette, for one, has argued against the view that Aquinas's teachings were directly targeted by Tempier. Wippel, however, disputes this. See n. 31 above.

⁴⁹ Cf. Hissette, *Enquête sur les 219 articles*, 258–59.

⁵⁰ Henry explicitly tells us that he was involved in the Parisian condemnations in his *Quodlibet II*, q. 9 (ed. R. Wielockx, in *Henrici de Gandavo Opera omnia*, ed. R. Macken et al. [Leuven and Leiden, 1979–], 6:67): “In hoc enim concordabant omnes magistri theologiae congregati super hoc, quorum ego eram unus.”

⁵¹ J. Gómez Caffarena, *Ser participado y ser subsistente en la metafísica de Enrique de Gante*, Analecta Gregoriana 93 (Rome, 1958), 270.

⁵² Henry of Ghent, *Quodlibet I*, q. 17 (ed. R. Macken, in *Opera omnia* 5:128–29): “... homo in statu innocentiae ante peccatum per iudicium rationis fuerit in certa et determinata scientia agendorum, nec potuerit errare circa illa, quia error ille poenalis fuisset et poena peccatum praecedere non potuit. Homo ergo secundum dictam opinionem in statu innocentiae peccare non potuit. Quare cum certa fide tenet ecclesia catholica quod homo primus in statu illo

more, although our post-lapsarian freedom (*libertas*) has been weakened by sin, nonetheless our wills are in essence the same powers now as they were in the state of innocence since our specific nature is the same. If Adam could act against his own better judgment and sin deliberately in the state of innocence, Henry argues, then so can we.⁵³

Henry additionally accuses those who argue that the will always follows the conclusion of practical deliberation, as Thomas does, of reducing the will to the level of the animal appetite. For just as the sense appetite is compelled by the desirable object, so if the will cannot act against the intellect it will be no freer than the animal appetite. Nor can intellectualists escape this dilemma and account for freedom by arguing that although the will follows the intellect, nonetheless the intellect itself is free since it can deliberate about alternative possibilities. On Henry's account, the intellect is not in fact free since it is compelled by the truth. In those instances where it *does* possess the freedom to consider alternative possibilities, it derives this contingency from the will.⁵⁴

Freedom of choice (*libertas electionis*), then, belongs exclusively to the will according to Henry of Ghent. When two objects are proposed to it by the intellect, it is the will alone that is responsible for choosing one good over another, and indeed for choosing, if it so desires, the inferior good over the superior.⁵⁵ Henry accepts the Aristotelian view that the will always desires the good, real or apparent. He is not willing to concede, however, the intellec-

peccavit et quod peccatum eius in voluntate nullus error in ratione praecessit, nemo est qui se excusare potest, dicendo quia nesciat quomodo ille homo peccavit, sed quod certus sit quod nos non peccamus nisi secundum determinationem dictae opinionis. Immo quilibet homo coactus necessaria ratione fundata ex fide, necesse habet concedere quod nullo errore praecedente in ratione peccavit ille primus homo, sed directe agendo contra determinatum iudicium rationis rectae.”

⁵³ Ibid. (5:128): “Quod ex eo maxime patet, quod eadem erat natura liberi arbitrii hominis in statu innocentiae et modo. Licet enim libertas eius per peccatum modo sit debilitata, hoc nihil facit ad variationem naturae speciei.”

⁵⁴ Ibid., q. 16 (5:107–8): “Unde et si proprie et stricte velimus loqui de electionis libertate, ipsa in sola voluntate est et nullo modo in ratione, nisi quatenus libere movetur ad diversa investiganda, a voluntate. Ratio enim cognitiva inquantum huiusmodi, libera non est. Necessario enim movetur simplicibus apprehensionis nec est in eius potestate ea non apprehendere, similiter nec connexioni primorum principiorum per se notorum neque connexioni conclusionum non assentire, quia si conclusio appareat ei medio necessario, assentit de necessitate, si medio apparenti, valde de necessitate assentit opinando, si debiliter apparenti, necessario assentit dubitando, nisi sit medium probabilius in contrarium, ut omnis sententia rationis de connexo necessitate syllogistica concludatur.”

⁵⁵ Ibid. (5:112): “In praeelegendo ergo inter aequalia bona alterum, vel minus bonum magis bono, vel bonum ut nunc bono simpliciter, sola voluntas sibi in hoc causa est, etsi aliquando sumit occasionem a sententia rationis vel ex tractu passionis vel ex habitus inclinatione. . . .”

tualist claim that the will always desires the good that is more perfective of the self. Since the will has an innate freedom and is its own cause, it can choose the apparent good over the real good entirely at its own discretion.⁵⁶

Given such views, it is not difficult to see how articles 129 and 130 came to be included on Tempier's syllabus. In *Quodlibet I*, q. 16, Henry of Ghent provides a theoretical model to explain the manner in which the will is capable of acting against right reason. This clearly represents an effort to preserve the freedom of the will from the psychological determinism of Aristotelian and Thomistic models of practical reasoning. Because Henry was a member of the commission responsible for drawing up Tempier's list of condemned theses, it may be inferred that articles 129 and 130 found their way onto Tempier's syllabus because Henry had previously argued against them in this very *Quodlibet*, disputed as it was just a few months prior to the Condemnation.

In the same year, Henry was called upon to serve on another commission: that which Tempier gathered together to investigate the teachings of Giles of Rome. Less than a month after he had issued the syllabus of 7 March, Tempier reassembled the very same theologians for the purpose of carrying out a doctrinal investigation of Giles's commentary on the *Sentences*.⁵⁷ Just why it is that Giles of Rome, merely a Bachelor lecturing on the *Sentences* at the time, should have been singled out for special attention remains a matter for conjecture, as noted above.⁵⁸ What is certain is that Tempier, for one reason or another, took a very keen interest in the case against Giles, for not only did he

⁵⁶ Ibid. (5:110): "Et ex tali principio defectivo potest, malo et bono proposito, praeeligere malum, sub ratione tamen alicuius apparentis boni (quia nihil omnino potest eligere, sive bona sive mala electione, neque omnino velle, nisi sub ratione alicuius boni), et maiori bono et minori proposito, praeeligere minus bonum, et aequalibus bonis propositis alterum praeferre eo modo quo in exemplo Augustini duorum aequaliter dispositorum unus potest idem eis propositum eligere, alter vero respuerere."

⁵⁷ John of Pouilly's *Quodlibet II*, q. 11 is the source for this: "Iidem magistri fuerunt assessores episcopi Stephani in condendo articulos et in concedendo predictam propositionem" (Paris, Bibliothèque nationale de France lat. 14565, fol. 111ra, and lat. 15372, fol. 54rb; quoted in Wielockx, *Apologia*, 98 n.6). See n. 82 below.

⁵⁸ Competing interpretations can be found for why Giles was targeted by the theological authorities. Hochedez contended that Giles himself provoked the investigation by teaching theses that appeared on the list of condemned Parisian articles, suggesting that he forced Tempier's hand in the matter. Wielockx, by contrast, argues that Tempier initiated the investigation against Giles. Since the Condemnation of 1277 was directed principally against members of the arts faculty, the process against Giles, on Wielockx's account, was intended as a warning to members of the theology faculty. Thijssen, on the other hand, contends that Giles was likely either denounced by one of his colleagues or else the process against him was the result of a routine examination of the sort that was customary before the publication of a Bachelor's commentary on the *Sentences*. Cf. Hochedez, "La condamnation de Gilles de Rome," 58; Wielockx, *Apologia*, 114–18; and Thijssen, "1277 Revisited: A New Investigation of the Doctrinal Investigations of Thomas Aquinas and Giles of Rome," *Vivarium* 35 (1997): 100.

ask sixteen masters in the faculty of theology to investigate the latter's commentary on the *Sentences*, but examined it himself.⁵⁹

That Tempier evaluated Giles's commentary independently of, rather than in collaboration with, his commission, and indeed disregarded some of its findings, is attested by the fact that in at least one case the masters approved a proposition of Giles's that Tempier, by contrast, found heretical.⁶⁰ This, of course, is the infamous "proposition conceded by the masters," or PM, which appears in Wielockx's edition of Giles's *Apologia* as articles 24 and 51.⁶¹ The PM declares that "there is never any *malitia* in the will unless there is some error in the intellect" (*non est malitia in voluntate nisi sit error in ratione*).⁶² For reasons noted earlier, Tempier interpreted this as an intellectualist thesis that contravened the Parisian articles, and therefore included it as one of the propositions that Giles would have to retract if he wanted to be granted his license to teach. Since Giles refused to retract any of his theses "even slightly" (*minime*), but instead chose to defend them, he was sent down from the university and denied his degree. He was finally rehabilitated eight years later owing to the intervention of Pope Honorius IV, finally becoming a master of theology in 1285.⁶³

There is a lack of consensus over exactly when the PM occurred. Hocedez, who was the first to examine the process against Giles, assumed that it was first conceded at the 1285 meeting requested by Honorius.⁶⁴ Wielockx, on the

⁵⁹ Honorius IV tells us that Tempier personally examined Giles's *Sentences* in the letter of 1285 that he sent to the bishop of Paris asking that the case against Giles be re-opened. The text appears in Denifle and Chatelain, *Chartularium Universitatis Parisiensis* 1:633: "Venerabili fratri . . . episcopo Parisiensi. Licet dilectus filius frater Egidius Romanus de Ordine fratrum Heremitarum sancti Augustini olim Parisius vacans studio aliqua sicut intellexerimus dixerit et redegerit in scripturam, que bone memorie Stephanus Parisiensis episcopus predecessor tuus per se ipsum examinans, et per cancellarium Parisiensem ejus temporis ac per alias theologicę facultatis magistros examinari faciens, censuit revocanda, et ea minime revocavit, quin potius variis rationibus nisus fuerit confirmare."

⁶⁰ Cf. Thijssen, "1277 Revisited," 95, and *Censure and Heresy*, 55.

⁶¹ Giles's *Apologia*, as the term implies, was his defense of the fifty-one propositions Tempier accused him of teaching and apparently demanded that he retract. The propositions, or *articuli*, are found in the margins of a single manuscript that belonged to Godfrey of Fontaines (Paris, Bibliothèque nationale de France lat. 15848). Wielockx's edition, cited in n. 15 above and *passim*, is reconstructed from this manuscript.

⁶² The PM can be found, as mentioned in n. 17 above, twice in the *ordinatio* to Giles's commentary on Book 1 of the *Sentences*: once at d. 17, p. 1, q. 1 (89vM), and again, in a slightly different form, at d. 47, p. 2, q. 1 (237rG). For various treatments of the PM, in addition to Wielockx, Thijssen, and Hocedez, see Dumont, "Time, Contradiction and Freedom of the Will," 577–80; Kent, *Virtues of the Will*, 79–81; and Putallaz, *Insolente liberté*, 212–18.

⁶³ P. Mandonnet, "La carrière scolaire de Gilles de Rome," *Revue des sciences philosophique et théologique* 4 (1910): 480–499.

⁶⁴ Hocedez, "La condamnation de Gilles de Rome," 49.

other hand, argues that it occurred at the original meeting called by Tempier, that is, sometime between 7 March and 28 March of 1277, having merely been reaffirmed at the 1285 meeting.⁶⁵ Recently, however, some of Wielockx's theories have been challenged. Hödl, for one, has questioned Wielockx's dating, and Thijssen his interpretation of events.⁶⁶ We need not detain ourselves over these recent debates. It is sufficient, for our purposes, that the PM was conceded sometime before Henry of Ghent's reconciliation of it with articles 129 and 130 in his *Quodlibet X* of Christmas 1286, a fact which nobody disputes. To achieve clarification on why Henry conceded the PM, we must return to his first Quodlibet, disputed just a few months prior to the approval of Giles's position, at least on Wielockx's dating.

In *Quodlibet I*, q. 17, Henry investigates the question of whether *malitia* is caused by intellectual error, or vice versa.⁶⁷ Granted that the wrongdoer is ignorant on some level by the time that action occurs, Henry seeks to discover whether ignorance is the cause or rather the effect of a disordered will. The target of this particular Quodlibet is generally held to be Aquinas.⁶⁸ Now according to Henry, some hold that every disorder (*deordinatio*) of the will is the result of a disorder in the intellect. This is because, in their view, the action of the intellect always precedes and determines that of the will. The result is that when a particular judgement has been reached by practical reason, the

⁶⁵ Wielockx, *Apologia*, 77–81.

⁶⁶ Hödl regards Hocedez's theory that the PM occurred in 1285 as more likely than Wielockx's since it is not mentioned in the sources prior to this date. Cf. his "Die Diskussion des Johannes de Polliaco über die Lehrentscheidung der Pariser Theologen von 1285/86 'Non est malitia in voluntate . . .,'" *Archives d'histoire doctrinale et littéraire du moyen âge* 66 (1999): 249. Thijssen, on the other hand, does not dispute that the PM occurred in 1277. Rather, he takes Wielockx to task for the latter's theory that Tempier initiated a separate process against Aquinas, in addition to the 7 March syllabus and the process against Giles, which was never brought to completion. See Wielockx's *Apologia*, 75–120; 215–24; and "Autour du procès de Thomas d'Aquin," in *Thomas von Aquin: Werk und Wirkung im Licht neurerer Forschungen*, ed. A. Zimmermann, *Miscellanea Mediaevalia* 19 (Berlin, 1988), 413–38. Thijssen argues that no such posthumous investigation of Aquinas ever occurred, and that the putative references to it in the sources are in fact referring to the process against Giles of Rome. Cf. his *Censure and Heresy*, 52–56, and "1277 Revisited," 72–101. John Wippel has followed Thijssen's interpretation in "Bishop Stephen Tempier and Thomas Aquinas: A Separate Process against Aquinas?" *Freiburger Zeitschrift für Philosophie* 44 (1997): 117–36. For Wielockx's response to these criticisms, see "A Separate Process against Aquinas: A Response to John F. Wippel," in *Roma, Magistra Mundi*, ed. J. Hamesse, 3 vols. (Louvain-La-Neuve, 1998), 2:109–30.

⁶⁷ Henry of Ghent, *Quodlibet I*, q. 17 (5:115): "utrum deordinatio voluntatis causetur a deordinatione rationis vel e converso."

⁶⁸ Cf. Kent, *Virtues of the Will*, 178; and Macken, "Heinrich von Gent im Gespräch mit seinen Zeitgenossen über die menschliche Freiheit," *Franziskanische Studien* 59 (1977): 129–39.

will becomes “disabled” (*immobilitur*) to such an extent that, at the time at which the judgement stands, it cannot act against that which the intellect has “dictated” (*dictaverit*) or determined to be best.⁶⁹ When wrongdoing occurs, at least in the case of the incontinent as opposed to the intemperate person, this is because passion temporarily clouds reason’s apprehension of the minor premise, causing it to err. Since the will always follows reason, an erring intellect, i.e., an intellect that has misjudged what is really perfective of the self, will cause a desire for what is perverse or harmful in the will.⁷⁰

On such a Thomistic model of incontinent action, reason stands between the will and the sense appetite.⁷¹ The theory also implies that incontinent agents never act against their own better judgment. Rather, their wills become disordered as the result of some pre-existing intellectual error. To Henry’s mind such a claim is, mistakenly, a reduction of Aristotle’s theory to that of Socrates.⁷² Henry wants to show that rational agents can in fact do wrong deliberately, and that even if there is ignorance involved with respect to sin, as Henry admits there is, then it is nonetheless a voluntary ignorance. He achieves this by arguing that if passion distorts the judgement of the intellect, this is only because the will has consented to this perverse desire. Passion is not so strong, on Henry’s account, that it can cloud the intellect all on its own. In contrast to his adversaries who argue that passion can obscure reason directly, Henry maintains that it does so *only* with the will’s consent.⁷³ In this way Henry makes the ignorance that always accompanies wrongdoing voluntary or capable of being opposed by an autonomous will. On Henry’s account, every erroneous act of the intellect causally proceeds, in the first instance, from a disordered affection in the will. When the will *does* consent to passion, the result is the corruption of a correct judgment of the intellect such that a

⁶⁹ Henry of Ghent, *Quodlibet I*, q. 17 (5:123): “Sed hic variatur opinio, quia deficit Philosophi determinatio. Opinio enim superius exposita et improbata dicit quod forma intellectus qua concipitur bonum cognitum sub ratione veri, sic determinat et specificat motum voluntatis, ut per consilium finito iudicio et conclusa sententia rationis de agendis, pro puncto et hora qua stat eius iudicium, sive fuerit rectum sive erroneum, immobilitur voluntas et immutabil necessitate astringitur ut non possit aliter velle aut eligere quam ratio dictaverit.”

⁷⁰ Ibid. (5:124).

⁷¹ Ibid.: “Rationis autem deordinationem dicunt in incontinentे incipere a passione appetitus sensitivi qua obnubilatur et cadit a sua recta opinione in erroneam, quam necesse est sequi, ut dicunt, appetitum voluntatis, ut sic secundum eos ratio sit media inter duos appetitus, sensitivum scilicet et rationalem.”

⁷² Ibid. (5:124–25).

⁷³ Ibid. (5:140): “Immo si deordinatio vitiosa fiat in voluntate, hoc est ex sua prava delectatione vel consensu in fruitione boni apparentis cum sensu, ut ipsam sit prima causa sua deordinationis, sicut dictum est supra, non aliqua ignorantia vel deordinatio rationis.”

perverse or disordered choice occurs. It is in this way that the will can be said to act against right reason.

It is crucial to understand Henry correctly when he insists that rational agents can only desire what they regard as good in one way or another. Is this not tantamount to admitting that human beings do sin, after all, from a prior ignorance? In fact, Henry does concede that ignorance precedes the sinful act, denying that rational agents can sin with full knowledge that they are sinning. As might be expected, however, he makes an important qualification. In the case of the incontinent person, although the sinful act does in fact proceed from ignorance, it is Henry's contention that such ignorance was itself caused in the first instance by a perverse will.⁷⁴

Henry concludes by arguing that the error of reason and the disorder of the will occur in fact at the same time (*simul*).⁷⁵ Such a view might appear to contradict his earlier contention that the deviance of the will is the cause of, and therefore temporally prior to, error in the intellect. According to this distinction, however, although the error of the intellect and the disorder of the will occur simultaneously, Henry is emphatic that the will nonetheless remains the *cause* of intellectual error. Henry will have to refine and elaborate on this distinction when he revisits the question of moral weakness a decade later.

3. HENRY OF GHENT ON THE PM AND ARTICLE 129

As early as 1276, then, Henry had made provision for incorporating intellectual error into wrongdoing without sacrificing the priority of the will. His

⁷⁴ Ibid. (5:146): “Et omnis sic peccans est ignorans ignorantia quae praecedit et est causa peccati sequentis; ipsa tamen sequitur aliud peccatum primae voluntatis malae”; (5:150): “*Deception*, inquit *(Philosophus)*, propter delectationem videtur fieri. Non enim existens bonum bonum videtur. Desiderant igitur delectabile ut bonum. Hoc non est nobis contrarium sed continet nostrum intentum. Re vera propter delectationem fit *deception*, sed primo ex parte eius quod practicum est, deinde ex parte eius quod cognitivum est, ut dictum est. Et sic videtur penes cognitivam eis bonum quod non est bonum, et propter huiusmodi ignorantiam desiderant per voluntatem delectabile, ut circa ipsum in opere vel interiori vel exteriori compleant suum desiderium, cui in prima voluntatis deordinatione consentiebant, ex qua rationis *deception* est consecuta, ut dictum est. Vel potest dici quod cum dicit: *propter delectationem* fit *deception*, non stat ibi ‘*delectationem*’ solum pro delectatione appetitus sensitivi, sed et voluntatis; propter voluntatis enim delectationem, qua condelectatur sensui et vincitur ut cadat in consensum delectandi vel delectabile exterius perficiendi, decipitur ratio, ut videatur ei bonum quod non est bonum; propter quam *deceptionem* desiderant delectabile ut bonum, sicut dictum est.”

⁷⁵ Ibid. (5:147): “Quod autem ex parte voluntatis qua debet homo esse practicus, prius deordinetur incontinentis (prius, dico, non duratione sed causalitate: simul enim fuit error rationis et deordinatio voluntatis), quam ex parte rationis qua debet homo esse sciens, aperte patet ex determinatione Philosophi, (cap.º 7.º) circa rationis deordinationem ex passione.”

Quodlibet I, q. 17 explains, accordingly, how he could have approved the PM without regarding himself as having compromised the voluntaristic spirit of the Condemnation. For taken in its literal sense the PM does not have to mean that intellectual error is necessarily the cause of evil or *malitia*. Rather, it can assert that ignorance merely accompanies a deviant will. Since the simultaneity interpretation leaves room for viewing *malitia*, and therefore the will, as the cause of error, the PM can coexist with Tempier's prohibition of articles 129 and 130.

Although Henry had provided, in his first Quodlibet, a framework for reconciling the PM with the Condemnation, he was nonetheless forced to revisit the issue ten years later. It is notable that he seldom disputes the topic of the will, much less the compatibility of the PM with Tempier's prohibitions, in the interim. Accordingly, we may assume that Henry's theories on the will went unchallenged during this period. In his *Quodlibet IX* of Lent 1286, however, we find Henry beginning to advance extensive *ex professo* arguments for the self-motion of the will and its ability to command the intellect.⁷⁶ In the very next set of Quodlibets, disputed in Advent of 1286, Henry returns to the question of whether the PM and the voluntaristic intention of the Condemnation are compatible after all, discussing it three separate times in three separate questions.⁷⁷ He addresses the issue a final time in *Quodlibet XI* of Advent 1287.⁷⁸ In every Quodlibet after 1286, with the exception of his last, Henry discusses the topic of the will in one form or another.⁷⁹

How does one account for the advent of this sudden cluster of questions on the will in 1286? Why Henry's sudden interest, in particular, in the PM and the Condemnation, events that occurred, according to some scholars, almost a decade earlier? If one assumes with Hocdez and Hödl that the PM was conceded in 1285, then Henry's interest in it in 1286 can be explained by its novelty. Still, this alone cannot account for his sudden interest in defending, in separate and self-contained Quodlibets, issues that were only indirectly related to the PM, such as the self-motion of the will and its ability to command the intellect. A more likely explanation is that, regardless of whether the PM was conceded in 1277 or 1285, Henry's revitalized interest in all questions concerning the will was the result of the appointments of Godfrey of Fon-

⁷⁶ Cf. Henry of Ghent, *Quodlibet IX*, q. 5 (ed. R. Macken, in *Opera omnia* 13:99–139): “Utrum voluntas moveat se ipsam”; and q. 6 (13:139–49): “Utrum imperare sit actus voluntatis, an rationis sive intellectus.”

⁷⁷ Henry of Ghent, *Quodlibet X*, q. 9 (ed. R. Macken, in *Opera omnia* 14:245–48); q. 10 (14:258–71); q. 13 (14:286–91).

⁷⁸ Henry of Ghent, *Quodlibet XI*, q. 6 (ed. Badius [Paris, 1518; rpt., Louvain, 1961], fol. 457vL, 458rF–vL).

⁷⁹ Cf. Glorieux, *La littérature quodlibétique* 1:190–99.

taines, a radical intellectualist, and Giles of Rome, a former pupil of Thomas Aquinas, to the theology faculty in 1285.⁸⁰

Although we do not have Godfrey's *Quodlibets* from the years 1285 to 1287, there is good reason to suspect that Henry's attempts in *Quodlibet X* to reconcile the PM with Tempier's prohibitions on the will are, at least partially, a result of Godfrey's criticisms.⁸¹ Indeed Godfrey would remark in a later *Quodlibet* that the PM and a voluntaristic interpretation of articles 129 and 130 are contradictory. Accordingly, the condemned articles require further explanation in order to be brought into line with the PM.⁸² Because Henry of Ghent was one of the masters responsible both for compiling the syllabus of condemned propositions *and* for approving the PM, it is hardly surprising that he should have been called upon to show how the two could be reconciled.

One of the central goals of *Quodlibet X*, at least as regards the pertinent *quaestiones*, is to provide an interpretation of articles 129 and 130 that will

⁸⁰ For Godfrey's biography, see J. F. Wippel's *The Metaphysical Thought of Godfrey of Fontaines* (Washington, D.C., 1981), xix, and "Godfrey of Fontaines," in *Routledge Encyclopedia of Philosophy* 4:119. For the definitive account of Giles's life and academic career, see F. del Punta, S. Donati, and C. Trifogli, "Egidio Romano," in *Dizionario biografico degli italiani*, vol. 42 (Rome, 1993), 321; for an abbreviated version of this, see del Punta and Trifogli, "Giles of Rome," in *Routledge Encyclopedia of Philosophy* 4:73. On the specific dating of Giles's promotion to master, cf. E. Esteban, "De tempore quo Aegidius Romanus promotus fuit ad S. Theologiae Magisterium," *Analecta Augustiniana* 2 (1907): 278–81.

⁸¹ Godfrey's first four *Quodlibets* are either abridgements or students' reports. For a detailed discussion of this, see Wippel, *Metaphysical Thought*, xxviii.

⁸² Godfrey of Fontaines, *Quodlibet VIII*, q. 16 (ed. J. Hoffmans, *Le huitième Quodlibet de Godefroid de Fontaines* [Louvain, 1924], 165–66): "Et hoc patet etiam ex hoc quod ab omnibus doctoribus in theologia concessum est quod haec propositio est vera et tenenda secundum quod verba eius sonant et praetendunt, scilicet quod non est malitia in voluntate nisi sit error vel nescientia in ratione. Haec enim propositio non posset habere veritatem si contra iudicium rationis posset esse electio voluntatis. Propter quod etiam quidam articuli ab episcopo reprobati, ante approbationem tamen huius propositionis, qui videntur contrariari huic propositioni, sunt sic exponendi quod huic propositioni, prout fieri potest, concordent." That this issue continued to attract attention well into the fourteenth century is attested by the fact that John of Pouilly, a student of Godfrey's, remarks in his *Quodlibet II*, q. 11 of 1308 that unless articles 129 and 130 were explained, the sixteen masters who conceded the PM and drew up the syllabus of condemned articles would not merely have contradicted themselves but would even have "incurred the punishment of excommunication": "Iidem magistri fuerunt assessorum episcopi Stephani in condendo articulos et in concedendo praedictam propositionem. Et ideo cum praedicta magistralis propositio interimat articulum praedicto modo intellectum, si praedicto modo deberet articulus intelligi, illi magistri sibi ipsis contradixissent, omnes etiam xvi magistri qui illam propositionem concesserunt excommunicationis sententiam incurserent, quae omnia non sunt dicenda" (quoted in Wielockx, *Apologia*, 79–80 and 98, n. 6). For a discussion and edition of John's *Quodlibet II*, q. 11 in its entirety, see L. Hödl, "Die Diskussion des Johannes de Polliaco," 246–97.

bring them into line with the PM without implying that the latter reverses the former. In addition to Godfrey's criticisms, it is likely that Henry's target here was a contemporary intellectualist argument that attempted to enlist the PM in order to undermine a strictly voluntarist construal of articles 129 and 130. The argument is *ad hominem*, and is expressed by an anonymous annotator of Henry's *Quodlibet X*. It is found in the margins of Vatican City, Biblioteca Apostolica Vaticana Vat. lat. 853 and proceeds as follows.⁸³ The theologians who conceded the PM agree that it has nothing to say about the causal relationship between the intellect and the will. Now since the PM is posterior to the Condemnation of 1277, and since it is improbable that "so many" (*tot*) theologians at Paris could have contradicted themselves by approving two incommensurable positions, the masters must now be leaving the causal relationship between the will and the intellect open to interpretation. That is, coming as it does *after* the Condemnation, the annotator argues that the PM should now function as the norm of interpretation. Since the PM neither condemns the causality of the intellect over the will nor the opposite, and since it has to be compatible with the Condemnation, it may further be assumed that articles 129 and 130 neither condemn the causality of reason over the will nor vice versa.⁸⁴ In short, the author of the Vat. lat. 853 argues that the existence of the PM must now mean that it is permissible to hold intellectualist theses regarding moral weakness. Henry, by contrast, needs to show that intellectualist interpretations of articles 129 and 130 are still out of the question.

Now article 130—"that if reason is correct, then the will is correct"—is less problematic than article 129 because it can more easily be reconciled with the PM. That is, since the PM does not take a stand on the causal relationship between the will and the intellect, but merely asserts something about their temporal relationship, one need only read this article without reference to causality to see that the two are commensurable.⁸⁵ By contrast, article 129—*quod*

⁸³ For discussions of this manuscript, see Hocedez, "La condamnation de Gilles de Rome," 42–43; Wielockx, *Apologia*, 106–7; De Blic, "L'intellectualisme moral chez deux aristotéliciens," 48; and Putallaz, *Insolente liberté*, 214.

⁸⁴ Vat. lat. 853 (fol. 222): "Est etiam alia via solvendi ad predicta ex parte illius propositonis magistralis: non est malicia etc. quia cum fuisse illa propositio inter magistros discussa dictum fuit ex quo aliqui opinantur quod error intellectus oritur ab obliquacione voluntatis, aliqui autem e converso, et ista propositio neutrum dicit sed simultatem notat, in quo nulli contrariantur sibi invicem, concedatur vera prout iacet. Non est autem verisimile quod tot magistri in theologia reliquissent utramque partem esse opinabilem si altera illarum fuisse contra articulum . . ." (quoted in Hocedez, "La condamnation de Gilles de Rome," 43).

⁸⁵ Henry of Ghent, *Quodlibet X*, q. 9 (14:245): ". . . 'Non est malitia in voluntate nisi sit nescientia sive error in intellectu,' quia loquitur de simultate temporis, non autem de causalitate, et simul tempore est deordinatio in utroque." I adopt here Dumont's distinction between "causal"

voluntas, manente passione et scientia particulari in actu, non potest agere contra eam—is rather more problematic since it admits of several complex temporal interpretations. Henry recognizes, for instance, that it can be read in either a composite or a divided sense.⁸⁶ We need not detain ourselves over Henry's involved discussion of the various temporal meanings of article 129 since they play no role whatsoever in Giles's own discussion of moral weakness.⁸⁷ It is necessary, however, to say something about its causal meaning.

As far as Henry is concerned, article 129 is unequivocal in its meaning of the causal relationship between the will and the intellect. As might be expected—and particularly in light of his views on moral weakness in *Quodlibet I*—Henry argues that the reason article 129 was included on the syllabus of 1277 was to deny that an erroneous intellect can be the cause of a deviant will. This seems to be a direct criticism of the intellectualist view expressed in Vat. lat. 853. To argue that intellectual error is the sole cause of a disordered will is, according to Henry, “entirely” (*omnino*) against Tempier's prohibited teachings on the will, since if article 129 were interpreted in this way, then the “freedom of free decision” (*libertas liberi arbitrii*) would be destroyed.⁸⁸ To the contrary, the inclusion of article 129 was intended to uphold the view that the *malitia* of the will is the cause of the error or darkening (*obscuratio*) of the intellect. This is because the intellect never precedes the will, even as a *sine qua non* cause, where wrongdoing is concerned.⁸⁹

Now since the PM asserts that the *malitia* of the will and the error of the intellect are simultaneous, whereas the voluntaristic intention behind the inclusion of article 129 holds that it is causally *prior* to an erring intellect, it might appear that the two positions are incommensurable after all. In order to reconcile the two, Henry devises a solution that has led to his being credited

and “temporal” interpretations of the articles. Cf. his “Time, Contradiction and Freedom of the Will,” 581–91.

⁸⁶ Ibid. (14:246–48), and q. 10 (14:263–65).

⁸⁷ For a detailed discussion of Henry's attempted reconciliation of article 129 and the PM, see Dumont's “Time, Contradiction and Freedom of the Will,” 581–91; and Kent, *Virtues of the Will*, 190–92.

⁸⁸ Henry of Ghent, *Quodlibet X*, q. 9 (14:248): “Sed ponendo causalitatem semper in ratione, omnino contrariantur articulo: propterea enim damnatus est ille articulus, quia sic daretur rationi quod sic pro hora necessitatet et determinaret voluntatem ut ad errorem unius sequeretur error alterius. Per hoc enim in tali actu volendi tollitur libertas liberi arbitrii in eo, quod non potest contraire.”

⁸⁹ Ibid., q. 10 (14:259): “Sic ergo stante ratione recta, pro hora in qua stat, potest voluntas ei contrariari, et generari prius malitia in voluntate quam error in ratione proprie dictus generetur, ita quod nullo modo praecedat, neque ut causa propter quam sic, neque ut causa sine qua non. . . . Sed ista malitia, sive fuerit peccati mortalis sive venialis, necessario est statim causa erroris aliqualis sive obscurationis in ratione.”

with providing the source for a fourteenth-century theory of change known as “quasi-Aristotelianism”.⁹⁰ In order to account for how error and *malitia* can exist in the same temporal instant while defending the latter’s causal priority over the former, Henry posits dividing the temporal instant into two signs (*signa*) in the order of nature (*secundum naturam/rem*): prior and posterior. The prior sign is characterized by a malicious will, the latter by an erroneous intellect. When *malitia* enters the will in the prior sign, it clouds the intellect, causing it to fall from rectitude. This explains why the intellect becomes erroneous in the posterior sign.⁹¹ Because such a causal sequence happens in the same temporal instant, the PM, which asserts the concomitance of error and *malitia*, is satisfied. On the other hand, given that malice enters the will in the prior sign *secundum naturam/rem*, it can be said to cause right reason to be darkened in the posterior sign. In this way, the voluntaristic intention behind the inclusion of article 129 on Tempier’s syllabus, in turn, is observed.

Henry’s solution to the problem of reconciling the PM with a voluntaristic construal of article 129 of the Condemnation by positing a “divided instant” did not satisfy his adversaries, for well into the fourteenth century it was still possible to find intellectualists such as John of Pouilly criticizing it.⁹² Even voluntarists such Gonsalvus of Spain, one of Duns Scotus’s teachers at Paris, were left unpersuaded by his theory.⁹³ Somewhat ironically, Henry did find an ally in Giles of Rome.

⁹⁰ Stephen Dumont has traced the sources of this fourteenth-century view that contradictories can be true at the same instant of time to Henry’s attempts to reconcile the PM and article 129. See his “Time, Contradiction and Freedom of the Will,” 561–97.

⁹¹ Henry of Ghent, *Quodlibet X*, q. 13 (14:288–89): “Sed non puto sic intelligi articulum, propter praedictas auctoritates Psalmi et earum expositiones, ut voluntate agente contra scientiam per tempus praecedens omnino rectam absque omni obnubilatione, ipsa scientia maneat in apice illius rectitudinis in hora qua voluntas agit contrarium, sed quod ipsa maneat non corrupta contraria opinione, licet offuscata. Quam offuscationem, quia largo nomine secundum praedicta error potest dici, – nisi forte dicamus quod illud instans in quo primo est malitia in voluntate dividatur in duo signa, ita quod in posteriore sequatur aliqua obnubilatio rationis et in priore fiat malitia in voluntate, et simul in illo signo maneat recta ratio absque omni obscuratione, sicut et per totum tempus praecedens, quia ipsa non repugnat omnino voluntati contrariae nisi quatenus obscuratio rationis necessario sequitur malitiam voluntatis ut effectus suam per se causam, et sic articulus intelligatur quod manente scientia in apice rectitudinis pro signo priore, sciens potest velle contrarium pro eodem signo, propositio vero magistrorum intelligatur quod si est malitia in voluntate, pro eodem instanti, secundum rem, licet pro signo posteriore, est error in ratione, scilicet alicuius obscuracionis causatae a malitia voluntatis –, et sic aestimo intellexisse magistros nomine error quando in iudicabant quod illa propositio potest concedi sicut iacet: ‘Non est malitia in voluntate, nisi sit error in ratione.’” See also *Quodlibet X*, q. 10 (14:261).

⁹² See n. 82 above.

⁹³ As Kent observes, almost a generation after Henry, Gonsalvus of Spain was still relying on the Condemnation of 1277 to justify the will’s ability to act against the intellect. Curiously,

4. GILES OF ROME ON MORAL WEAKNESS

We have already seen some evidence as to why Giles's early theories of human action were regarded as suspect by theological authorities such as Tempier. Not only was he a pupil of Aquinas, who defends an intellectualist understanding of incontinence, but he also *appeared* to defend the Socratic Paradox not once, but twice in his early Commentary on the *Sentences*, where he argues that there is never *malitia* in the will unless there is error in the intellect. This was sufficient, in part, for Tempier to regard Giles as a defender of heterodox opinions, and consequently included Giles's defense of this position on his list of propositions that the latter would have to retract if he wanted to be granted his license to teach. That Henry, a prominent voluntarist, *also* defended the claim *non est malitia in voluntate nisi error sit in ratione* suggests that the matter, as we have seen, was rather more complicated.

In point of fact the contexts in which Giles advances the PM in the early *ordinatio* of the commentary on the *Sentences* provide little indication, one way or another, as to whether he was actually *defending* the Socratic Paradox or not. When it is mentioned at Book I, distinction 17, for instance, Giles is asking whether an act of love is elicited in us directly by God or through a mediating disposition. In the course of showing that such a medium is necessary he effects a comparison between the will and the intellect, arguing that they are disanalogous to the extent that the intellect requires the intelligible species, along with the "light of reason" (*lumen rationis*), to reduce it to act. The will, on the other hand, does not require a species of its own to act. Rather, it relies on the intelligible species as present in the intellect. Because the two powers have one and the same medium, that of the intellect, it follows that there cannot be *malitia* in the will unless there is an error in the intellect. In other words, the PM follows from the connection of the two powers in the intelligible species.⁹⁴ Interestingly, this is the only apparent argument Giles gives for the magisterial proposition.

however, he makes no attempt to reconcile this with the PM. Kent implies that this is because Gonsalvus was not convinced by Henry's solution. See her *Virtues of the Will*, 192–93.

⁹⁴ Giles of Rome, *In I Sent.*, d. 17, p. 1, q. 1 (89vL–M): "Ut autem hoc appareat sciendum quod in intellectu est duplex medium in intelligendo: unum est species intellectum informans, et aliud est lumen rationis quod intellectum confortat, quod lumen Philosophus appellat intellectum agentem. Isti autem medio quod est species ex parte affective non respondet medium, quia per illam eandem speciem per quam intellectus movetur ad intelligendum voluntas inclinatur ad volendum. Et ex hoc sequitur quod non est malitia in voluntate nisi sit error in ratione propter connexionem intellectus ad appetitum. Unum igitur et idem est tale medium quod est primo et per se medium in actu intellectus et ex consequenti in actu voluntatis."

At distinction 47, on the other hand, Giles is enquiring into whether anything happens contrary to (*praeter*) the divine will. He concludes that everything evil that happens is thus contrary. He explains that the human will can only be motivated by the good or the apparent good. He is expressing, in other words, the received opinion, held by all medieval thinkers until Ockham, that evil *qua* evil is beyond the scope of the will. Therefore, when rational agents commit a wrong action, this is because they are mistaking it for a good one. In this context Giles suggests that there cannot be *malitia* in the will unless there is error or some form of ignorance (*nescientia*) in the intellect.⁹⁵ The context here is more directly related to the issue of incontinent behaviour than at distinction 17. Even so, the text does not make it altogether clear that Giles is defending the Socratic Paradox, that is, that he is claiming that all sin is *caused* by ignorance.

More direct evidence for Giles's intellectualism on the question of moral weakness can be found in the *reportatio* to his early Lectures on the *Sentences*, which have recently been discovered and edited by Concetta Luna.⁹⁶ Although not possible to date with absolute precision, these lectures were likely delivered at some point between 1269 and 1271, that is, at roughly the same time as Giles composed the *ordinatio* to Book 1 of his Commentary on the *Sentences*, which is thought to have been sometime between 1271 and 1273.⁹⁷ In this early work, Giles's attitude towards moral weakness and, in general, his account of the relationship between the will and the intellect, bears more than a passing resemblance to Aquinas's own account of these matters in the *Prima secundae*.

The locus classicus of Giles's position on moral weakness in the *reportatio* is Book 2, q. 91, d. 42, where he addresses the question of whether sinning from choice (*ex electione*) is more serious than sinning from passion or weakness (*infirmitate*). For Giles, to do wrong from passion is just the expression that philosophers use for the phenomenon that theologians refer to as sinning from weakness. Accordingly, for Giles, the terms are interchangeable.⁹⁸ To

⁹⁵ Ibid., d. 47, p. 2, q. 1 (237G): “Respondeo dicendum quod quicquid voluntatem movet semper est bonum vel simpliciter vel secundum apparentiam, quia secundum Philosophum, tertio *De anima*, quod est motivum appetitus non refert utrum sit bonum vel apparet bonum. Et quia si non apprehenditur aliquid sub ratione boni non potest movere voluntatem, numquam est malitia in voluntate nisi sit error vel saltem aliqua nescientia in ratione. Unde tertio *Ethicorum* scribitur quod omnis malus ignorans. Nam secundum Dionysium, quarto *De divinis nominibus*, nullus aspiciens ad malum facit quod facit, quia secundum eum semper malum est praeter voluntatem et praeter intentionem. Unde nec habet finem neque principium.”

⁹⁶ See n. 19 above.

⁹⁷ See n. 20 above.

⁹⁸ Giles of Rome, *Reportatio Lecturae*, Q. 91, d. 42 (ed. Luna, 387): “Et intelligendum

sin from choice, by contrast, refers to the phenomenon theologians understand as sinning from deliberate malice (*ex certa malitia*) or vice: the practice of habitual sin that arises from possessing wrong moral principles.⁹⁹ That Giles is explicitly relying on Thomas here will become obvious from what follows.

In order to show that sinning from weakness or passion is less serious—since less voluntary—than sinning from disposition (*habitus*), vice or *malitia*, Giles provides the following account of how passion is associated with deliberate choice (*electio*). Giles wants to show that the presence of passion can sometimes mitigate the voluntary nature of an action. But he is emphatic that the vicious person not be excused since he sins from choice rather than weakness. First of all, Giles is unequivocal in his view that sinning from *habitus* is more serious because it involves sinning from first principles. While the incontinent has the right principles, and therefore shows remorse for his actions, the malicious person does not have similar principles or values and is therefore unrepentant (*impenitivus*) with respect to his bad actions. Possessing a bad disposition or a vice is much more serious, not least because it is incurable or at least difficult to cure. Given that the root cause of vicious action is permanent since habitual, and effects follow from causes, it would seem that, on Giles's account, the vicious person has little motivation but consistently to act in vicious ways.¹⁰⁰

But is there not passion associated with vicious action, as is the case with adultery, and to that extent does this not somehow diminish the voluntary nature of the adulterer's sin? For Giles, the only way that passion can possibly mitigate the voluntariness of a bad action is if it is present *before* choice, as is the case with incontinence. To the extent that passion is aroused *after* a disordered choice, as is the case with the intemperate or vicious person, then it does not mitigate the action or excuse the agent. To the contrary, the sin is aggravated.¹⁰¹ We need not detain ourselves over Giles's discussion of sinning from choice or disposition other than to point out that his understanding of

quod ille qui peccat ex passione secundum philosophorum, dicitur peccare ex infirmitate secundum theologum.”

⁹⁹ Ibid. (ed. Luna, 388): “... notandum quod peccatum ex electione vel habitu vocatur peccatum ex certa malitia apud theologos.”

¹⁰⁰ Ibid. (ed. Luna, 386): “Ex hiis patet quod magis peccat qui peccat ex electione quam qui peccat ex passione propter tria: Primum est quia peccatum ex electione est insanabile, id est vix sanabile, peccatum ex passione sanabile. Ideo dicitur 7 Ethicorum quod intemperatus impenitivus est, incontinens penitivus. Et huius ratio est quia, manente causa, manet effectus. Et quia, peracto actu peccati intemperati, adhuc manet causa peccati, scilicet habitus, ideo non penitet. Sed peracto actu proveniente ex passione, cessat causa, scilicet passio, et ideo statim penitet.”

¹⁰¹ Ibid.: “Tamen fit peccatum ex passione communiter ut secundum quod motus passionis sequitur motum electionis. . . . Si vero sit actus vitiosus, non excusatur a passione, immo magis gravatur.”

vice, and particularly his notion of sinning *ex certa malitia*, is significantly redolent of Aquinas.¹⁰²

But what of incontinence? If the presence of passion does not diminish the sin of the intemperate, how then does it do so for the incontinent? For Giles, passion diminishes the voluntariness of the morally weak or incontinent person to the extent that their passion *precedes* their deliberate choice. First, passion acts as a sort of distraction (*distractio*) to the intellect. The will and the intellect are situated in the very same essence as the sense appetite: the human soul. Because the soul has several powers, the more one power becomes intent on its act, the weaker and more dispersed the other powers become. Accordingly, when passion becomes strong in the sense appetite, this has the effect of distracting the intellect, which in turn has the effect of weakening or even impeding the operation of the will. In this way, deliberate, voluntary choice becomes impaired. Notice the virtual identity with, and indisputable reliance of Giles's account on Thomas's:

Aquinas, *ST* 1-2.77.1 c.

Giles, *Rep. Lect.*, Q. 91, d. 42

... passio appetitus sensitivi non potest directe trahere aut movere voluntatem, sed indirecte potest. Et hoc dupliciter. Uno quidem modo, secundum quandam abstractionem. Cum enim omnes potentiae animae in una essentia animae radicentur, necesse est quod quando una potentia intenditur in suo actu, altera in suo actu remittatur, vel etiam totaliter impediatur. Tum quia omnis virtus ad plura dispersa fit minor: unde e contrario, quando intenditur circa unum, minus potest ad alia dispergi. Tum quia in operibus animae requiritur quaedam intentio, quae dum vehementer applicatur ad unum, non potest alteri vehementer attendere. Et secundum hunc modum, per quandam distractionem, quando motus appetitus sensitivi fortificatur secundum quamcumque passionem, necesse est quod remittatur, vel totaliter impediatur motus proprius appetitus rationalis, qui est voluntas.

... passio, que est appetitus sensitivi motus, trahit et inclinat rationem et voluntatem, et hoc indirecte. Quod patet sic dupliciter: uno modo, per quandam distractionem. Cum enim omnes potentiae in una essentia anime radicantur, necesse est quod, *cum* una potentia intenditur in suo actu, quod altera in suo actu remittatur vel totaliter impediatur; omnis virtus ad plura dispersa fit minor. Similiter, in operationibus anime requiritur quedam attentio; que autem vehementer applicatur ad unum, non potest alteri vehementer attendere. Et sic patet quod per quandam distractionem, quando motus appetitus sensitivi fortificatur secundum aliquam passionem, necesse quod remittatur vel totaliter impediatur motus proprius appetitus rationalis, qui est voluntas.

¹⁰² Aquinas, *ST* 1-2.78.1–4.

A second way that passion may precede an action and mitigate its voluntariness is by distorting the object of the will. The object of the will is the good as apprehended by reason. But just as taste follows the disposition of the tongue, so the imagination and the estimative power, both of which are influenced by the vehemence of passion, will influence reason, which depends on the imaginative power for individual objects from which to abstract universal concepts. If the physical passion or desire for some object is very strong, it will affect how the intellect evaluates the object, making such a lesser object appear good and therefore choiceworthy. Because the motion of the will “is determined to follow the judgment of reason” (*motus voluntatis, qui natus est sequi iudicium rationis*) a choice for the object of physical desire will ensue. Again, Giles follows Thomas practically verbatim here:

Aquinas, *ST* 1-2.77.1 c.

Giles of Rome, *Rep. Lect.*, Q. 91, d. 42

Alio modo, ex parte obiecti voluntatis, quod est bonum ratione apprehehensum. Impeditur enim iudicium et apprehensio rationis propter vehementem et inordinatam apprehensionem imaginationis, et iudicium virtutis aestimativa: at patet amentibus. Manifestum est autem quod passionem appetitus sensitivi sequitur imaginationis apprehensio, et iudicium aestimativa: sicut etiam dispositionem linguae sequitur iudicium gustus. Unde videmus quod homines in aliqua passione existentes, non facile imaginationem avertunt ab his circa quae afficiuntur. Unde per consequens iudicium rationis plerumque sequitur passionem appetitus sensitivi; et per consequens motus voluntatis, qui natus est sequi iudicium rationis.

Alio modo, ex parte obiecti voluntatis, quod est bonum apprehensum ratione. Impeditur enim appprehensio et iudicium rationis propter vehementem et inordinatam apprehensionem virtutis ymaginative et <sequitur> iudicium virtutis estimative, sicut dispositionem lingue sequitur iudicium gustus. Videmus quod homines in aliqua passione existentes non facile ymaginacionem avertunt ab hiis circa que afficiuntur. Et ideo consequens iudicium rationis quandoque sequitur passionem appetitus sensitivi, et per consequens motus voluntatis, qui natus est sequi iudicium rationis.

This is Giles’s basic account of how moral weakness is possible, that is, of how it is possible for an agent to know that some object of the sense appetite would be wrong to pursue, yet to choose it anyway. Knowledge of right and wrong takes place at an abstract level. In order to put correct principles into action, however, the agent needs a proper assessment of the particular, possible objects of choice. But when passion is present, this has the effect of distorting how the incontinent perceives the particulars of the moral situation, thus making a bad act or object appear good. Because the will, by definition,

follows where the intellect leads it, a choice for the apparent good of desire ensues. This condition, so Giles thinks, is much like a person who is drunk and is therefore inclined to do irrational things.¹⁰³ Furthermore, to act in this way from a preceding passion “diminishes the sin of the will, since it diminishes the voluntariness (*voluntarium*) existing in us.”¹⁰⁴ That is, if passion clouds the intellect, then it diminishes its efficacy. This in turn diminishes the efficacy of the will since *voluntas* of its nature is determined to follow reason. And because voluntary actions arise from reason and will, to the extent that these powers are compromised, so too is the voluntariness of the action. This account is effectively identical to Thomas’s.¹⁰⁵

But clearly there are different ways that passion or emotion can precede a bad action, some of which makes the action culpable, and some not. The way that emotion excuses the actions of the mentally disturbed person cannot be same as the emotion or passion that mitigates the bad action of the normal human agent who sins from temporary weakness. The difference, for Giles and Thomas, seems to lie in the extent to which passion influences the normal use of reason. In the case of the mentally ill person, the influence of emotion is so strong as to entirely take away the use of reason, making the act entirely involuntary. But if the passion is *not* so strong as to render the faculty of reason impotent, then the agent is not totally excused. The reason for this is that, in such a case, “reason would have been able to shut out the passion first by turning to other thoughts, or would have been able immediately to prevent *(passion)* from having its effect, since the members are not directed to the deed except by the permission (*concessum/consensum*) of reason. Once again, note the virtual identity of Giles’s position with Aquinas’s:

Aquinas, *ST* 1-2.77.7 c.

... ratio potest passionem excludere, divertendo ad alias cognitiones; vel impedire ne suum consequatur effectum, quia membra non applicantur operi nisi per consensum rationis. . . .

Giles, *Rep. Lect.*, Q. 91, d. 42

... ratio posset passionem excludere prius, divertendo ad alias cogitationes, vel impedire statim ne suum effectum consequatur, quia membra non applicantur operi nisi per concessum rationis.

¹⁰³ Giles of Rome, *Reportatio Lecturae*, Q. 91, d. 42 (ed. Luna, 385): “Et ex hoc provenit quod aliquis habet scientiam alicuius in universalis, tamen ignorat in particulari propter motum rationis, quia ratio ligatur ne exeat in actum quasi quadam immutatione corporali facta, sicut in sompno et ebrietate.”

¹⁰⁴ Ibid.: “Agere enim sic ex passione precedente diminuit peccatum voluntatis, quoniam diminuit voluntarium in nobis existens.”

¹⁰⁵ For a general account of Thomas’s theory of moral weakness, see Kent, *Virtues of the Will*, 156–74, and “Aquinas and Weakness of Will,” *Philosophy and Phenomenological Research* (forthcoming).

In the final analysis, moral weakness occurs, for Giles and Thomas, when there is a certain disorder, however temporary, in the soul. The dynamic at work is analogous, for both Giles and Thomas, to the absence of physical health. Just as the body becomes weak when some of its parts rebel against the ruling power of nature, so the soul suffers from weakness when its parts are not subdued to the order of reason. This is because, on Giles and Thomas's account, "reason is the ruling power (*vis regitiva*) of the soul." This is particularly significant given Giles's later view that it is specifically the *will* that rules the soul. For the time being, notice the absolute dependence of Giles's view on Thomas's:

Aquinas, *ST* 1-2.77.3 c.

Sicut autem partes corporis dicuntur esse inordinatae, quando non sequuntur ordinem naturae; ita et partes animae dicuntur inordinatae, quando non subduntur ordini rationis: ratio enim est vis regitiva partium animae.

Giles, *Rep. Lect.*, Q. 91, d. 42

Sicut enim partes corporis dicuntur inordinate, quia non sequuntur ordinem nature, ita partes anime dicuntur inordinate, quando non subduntur ordini rationis. Ratio enim est vis regitiva anime.

Giles's account of incontinence in the *reportatio*, then, bears a striking resemblance to Thomas's account in the *Prima secundae*. On this view, moral weakness arises from a sort of ignorance. Giles and Thomas follow Aristotle in denying that ignorance of first principles is what accounts for moral weakness. Rather, moral weakness is the result of the influence of passion that gives rise to an ignorance of the particulars that are an essential component in the agent's ability to make concrete, rational choices. When passion is present, and the intellect consents to it, it causes in the incontinent a temporary ignorance of the habitual knowledge of right and wrong that he ordinarily possesses. The suggestion here is that had passion not been present, the incontinent would have been able to put into practice what he habitually knows and no wrongdoing would have occurred. Moreover, on such an account, the only way that passion can influence the will is indirectly, that is, through the consent of the rational part. Therefore, if the incontinent is to resist the temptation to consent to passion, this will have to be achieved by a resisting act of the rational potency. This is because reason is the *vis regitiva*—the ruling power—of the soul. The will, by contrast, merely follows where reason leads it.

It has gone largely unnoticed that a significant transformation in Giles's thought on moral weakness occurred between the *reportatio* and the later *Quodlibeta*. Recall that the *Quodlibetal Questions* were composed after Giles was rehabilitated and appointed regent master in 1287. In light of the recent concern with how to reconcile the PM with the Condemnation of 1277, Giles, as we will presently see, gravitated to a position that was much closer to the voluntarism of Henry of Ghent than anything Aquinas would have defended in the *Prima secundae*. For Giles, it is specifically the *will*, rather than the rational potency, that now becomes the ruling power of the soul, with all of the implications associated with this position. Giles is still able to defend his original view that there is never any *malitia* in the will without some error in the intellect, but he no longer follows Aquinas in holding that an intellectual defect is what primarily accounts for a disordered will. Rather, so Giles thinks, it is the disordered will, of its own accord, that causes a darkening of the intellect while maintaining, as Henry had done, that these happen simultaneously. We now turn our attention to the way in which Giles relies on Henry for his own resolution to the apparent impossibility of arguing for this position.

Giles explicitly addresses the issue of the PM, and the philosophical problems associated with it, twice in the *Quodlibetal Questions*: once in *Quodlibet I*, q. 19, and a second time in *Quodlibet III*, q. 16. The first has been dated to 1286, and the second to 1288.¹⁰⁶ Ostensibly, they claim to address the same question—whether there can be malice in the will without some error in the intellect—but because there are differences between the two treatments, it will serve as a basis of comparison to discuss them in turn.

Giles's *Quodlibet I*, q. 19 represents an effort to address the question of whether there can be *malitia* in the will without the presence of error in the intellect, while refraining to make a firm commitment to either side of the issue. Instead of endorsing the view that error precedes *malitia*, or vice versa, Giles merely argues for their concomitance without further interpretation. Referring specifically to the PM, he writes:

But when it was discussed at Paris, the Doctors there agreed that it was not necessary that there precede error in the intellect in order that there be malice in the will. They did concede, however, that some degree of blindness (*coecitas*) in the intellect always accompanies a malicious will.¹⁰⁷

¹⁰⁶ Glorieux, *La littérature quodlibétique* 1:141–43.

¹⁰⁷ Giles of Rome, *Quodlibet I*, q. 19 (*B. Aegidii Columnae Romani Quodlibeta* [Louvain, 1646; rpt. Frankfurt am Main, 1966], 40): “Sed cum hoc Parisiis ventilaretur, placuit Doctoribus ibidem existentibus quod non oporteret praecedere errorem in intellectu ad hoc ut esset

Since Giles makes no reference whatever to article 129 in this context, much less to how the PM can be reconciled with Tempier's prohibition of it, his attitude in this particular disputation may be characterized by a certain reticence. This absence of candor has led to varying interpretations in the literature. San Cristóbal-Sebastián has argued that Giles's lack of commitment in *Quodlibet I* is merely a disguised attempt to defend an intellectualist reading of moral weakness.¹⁰⁸ In fundamental agreement, De Blic views the concomitance theory as Giles presents it as a "tentative, historically interesting mitigation of the intellectualist thesis."¹⁰⁹ Putallaz, by contrast, sees Giles in this *Quodlibet* as "subtly underscoring the primacy of the will."¹¹⁰ A close examination of the textual evidence, however, supports none of these interpretations. To the contrary, it suggests that Giles is being deliberately ambiguous in order to sidestep, as it were, a delicate issue.

Consider, for instance, the terminology Giles uses to defend the concomitance theory. In order to illustrate the manner in which ignorance and *malitia* are connected, Giles argues that "just as, when the tongue is corrupted, taste judges flavors poorly, so when the appetite (*appetitus*) is corrupted, the intellect judges what should be done poorly."¹¹¹ The use of the generic term *appetitus* is significant. For if Giles is referring here to the corruption of the intellect by the *sense* appetite, then he is endorsing the Aristotelian, or intellectualist view of ἀκρασία. If, on the other hand, it is the *rational* appetite, or the will, that Giles is arguing derails the intellect, then this is clearly the voluntarist view.

One might think that Giles settles the issue when he argues that "everyone experiences in himself that, whenever he is inflamed with lust, so his judgement is corrupted."¹¹² In such a context, it is clearly the sense appetite to which Giles is referring. A little further on, however, Giles explicitly endorses, as do virtually all thinkers of the period, the Aristotelian idea that the end appears to the agent in a form that reflects the sort of person she is. The appetite to which he is referring here, however, is explicitly the will, for "the type of *voluntas* you have (determines) how the end appears to you and so it

malitia in voluntate. Concedebant tamen quod semper malitiam voluntatis concomitaretur in nobis aliqua coecitas intellectus."

¹⁰⁸ San Cristóbal-Sebastián, *Controversias acerca de la voluntad*, 139.

¹⁰⁹ De Blic, "L'intellectualisme moral chez deux aristotéliciens," 63.

¹¹⁰ Putallaz, *Insolente liberté*, 213.

¹¹¹ Giles of Rome, *Quodlibet I*, q. 19 (40): "Respondeo dicendum ignorantiam intellectus aliquo modo connexam esse malitiae voluntatis. Nam sicut cum lingua est infecta, gustus male judicat de saporibus, sic infecto appetitu, intellectus male iudicat de agendis. . . ."

¹¹² Ibid.: ". . . quilibet enim in seipso experitur quod sicut aliquis in amore carnali afficitur, sic in iudicio pervertatur."

seems good to you.”¹¹³ In this he departs from Aquinas who maintains, as we saw, that it is the sense appetite that ultimately influences how the end appears to us.

As a result of the foregoing ambiguities, it is difficult to escape the conclusion that Giles was exercising considerable caution in this *Quodlibet*. This is understandable in light of the fact that when this question was disputed he had only recently been rehabilitated. It was, moreover, as yet unclear as to how the PM could be reconciled with the voluntarist intentions behind the Condemnation of 1277, if at all. Such a reconciliation would come with Henry of Ghent’s *Quodlibet X*, disputed in 1286, the same year as Giles’s first *Quodlibet*.

Two years later the situation had changed. When Giles addressed the question of moral weakness for a second time in 1288 he had Henry’s theory of the divided instant at his disposal. Accordingly, Giles’s *Quodlibet III*, q. 16 should be seen as a decisive effort to settle the problem of moral weakness in a way that will explicitly take into account both the PM and the Condemnation of 1277. The central question here is whether, assuming that ignorance and *malitia* are always associated with respect to wrongdoing, one precedes the other.

In the sole objection that he cites, Giles rehearses the intellectualist teaching on incontinence. According to intellectualists, because the will always requires an act of the intellect to reduce it to act, it follows that the intellect exerts a determining action on the will. According to this view, if there is no error in the intellect, neither can there be disorder in the will. It follows from this that any *malitia* that exists in the will must be preceded by a defect in the intellect.¹¹⁴

Although the foregoing sketch appears to be a caricature of the intellectualist position, it adequately captures the teachings of thinkers such as Giles’s contemporary Godfrey of Fontaines, for whom the will is, in the first instance, a passive potency. In his *Quodlibet VI*, disputed the year after Giles’s *Quodlibet III*, Godfrey posited the following position. To argue that the will can determine the intellect is to reverse the relation between the two potencies. Because the will is a rational appetite it can only desire what is presented to it

¹¹³ Ibid.: “Propter hoc dictum est tertio *Ethicorum*, ‘Quod qualis unusquisque est, talis ei finis esse videatur’; qualem enim linguam habes, talis videtur sapor; ut verbi gratia, si linguam habeas infectam cholera, quae est amara, omnis sapor videtur tibi amarus. Et sic etiam qualem habes voluntatem, talis videtur finis et tale videtur tibi bonum; ut verbi gratia, si habeas appetitum infectum concupiscentia videtur tibi quod omnino bonum sit uti venereis. Ergo coecitas intellectus et malitia voluntatis quandam connexionem habent.”

¹¹⁴ Giles of Rome, *Quodlibet III*, q. 16 (180).

as somehow good.¹¹⁵ But this requires a prior act of the intellect. On Godfrey's account, therefore, the condition (*conditio*) and worth (*dignitas*) of the object determine the value of the act.¹¹⁶ On such a view the error of the intellect is what determines, and therefore precedes, the disorder of the will.

After rehearsing the intellectualist position Giles proceeds, in the *sed contra*, to cite articles 129 and 130 of the Parisian condemnations.¹¹⁷ Given the scholastic practice of employing objections to capture the position one will argue against, and the *sed contra* as the authority for supporting one's own view, it may be inferred from Giles's procedure here that his intention is to endorse the voluntarist account of moral weakness. And indeed he does.

Giles follows Aristotle in claiming that ignorance is always associated with wrongdoing. As interpreted by the medievals such a notion is expressed in the claim, which Giles approves, that only the good or the apparent good can move the will. On this view, when rational agents commit a wrong action, this is due to a bad object appearing as somehow good.¹¹⁸ Now bad objects can appear good to us from one of two sources. First, they can appear good either from an error on the part of reason or from concupiscence (*concupiscentia*). In the first way, reason errs by presenting the objects in a false way, that is, by presenting them as good when they are not actually but only apparently so. Concupiscence, on the other hand, conforms us to the object, causing it to seem good to us. Now if you sin from reason "badly showing" (*male ostendens*), then Giles argues that you sin "on account of ignorance" (*per ignorantium*). If, however, you sin from concupiscence "badly fashioning" (*male conformans*) you to a pleasurable object, then you sin "in ignorance" (*ignorans*). Consequently, "whoever sins, sins either on account of ignorance or sins in ignorance, which is what the Philosopher seems to mean in *Ethics* 3 [1110b19–31]."¹¹⁹

¹¹⁵ Godfrey of Fontaines, *Quodlibet VI*, q. 11 (ed. M. De Wulf and J. Hoffmans, *Les Quodlibets cinq, six et sept de Godefroid de Fontaines* [Louvain, 1914], 221): "Ergo cum per se et directe intellectus determinet voluntatem, non potest esse quod voluntas per se et directe determinet intellectum. Hoc enim esset quidam circulus, nec esset ordo inter istas potentias et earum actus."

¹¹⁶ Ibid.: "... ut secundum condicionem et dignitatem obiecti sit etiam condicio et dignitas actus."

¹¹⁷ Giles of Rome, *Quodlibet III*, q. 16 (180): "In contrarium est quia articulus est ... 'si ratio est recta, et voluntas et recta.' Nam ut alius articulus dicit 'manente passione et scientia particulari in actu, potest voluntas non agere contra eam.'"

¹¹⁸ Ibid.: "... bonum apprehensum sit motivum voluntatis. ... Si ergo voluntas sit mala, hoc est quia tendit in aliquid ut bonum quod non est nisi apparens. Si ergo ex huiusmodi apparentia ista mala contingent, videamus, quid faciat nobis apparere aliquid."

¹¹⁹ Ibid. (181): "Sic ergo duo sunt quae faciunt nobis aliquid apparere bonum; videlicet ratio ipsas res nobis manifestans et concupiscentia nos rebus conformans. Ergo ut appareat

We should avoid jumping to the conclusion that Giles's association of ignorance and wrongdoing means that he is advocating an intellectualist position here. It is true that Aquinas and Godfrey of Fontaines argue that whenever we will anything, we do so under the aspect of the good. They also maintain that wrongdoing, for the most part, results from ignorance. But Henry of Ghent also concedes that rational agents always will *sub ratione boni* and that every sinner is an ignorant man.¹²⁰ In and of itself, accordingly, the thesis that ignorance is always associated with *malitia* was endorsed by every medieval thinker who took Aristotle seriously. The real issue here is not whether ignorance is associated with *malitia*, but whether it *precedes* it. Giles admits that this is a "problematic" question (*habet quandam difficultatem*), which is presumably a reference to the difficulty of reconciling the PM with Tempier's prohibition of articles 129 and 130.¹²¹

Now if one sins "on account of ignorance" (*per ignorantiam*), according to Giles, then clearly ignorance here has to precede malice.¹²² Because everyone who endorses the framework of Aristotelian moral psychology would agree with this, Giles more or less glosses over this. By far the majority of his attention is devoted to the sort of ignorance that occurs when one sins *in* ignorance, which he interprets as acting from concupiscence, for this is where he locates the problematic of the PM.

Adverting to the PM, Giles argues that when agents sin in a state of ignorance the error involved seems to "accompany" (*concomitari*) malice. In this context, the ignorance of the incontinent does not precede his perverse will causing him to sin. Rather, ignorance and *malitia* appear to happen at the same time. The morally weak person may therefore be characterized as "one who sins while in a state of ignorance" (*ignorans peccans*), that is, someone who sins *and* is ignorant.¹²³

nobis esse bonum vel hoc erit ex ratione male ostendente—quia potest esse ratio recta et non recta—vel erit ex concupiscentia male conformante et assimilante. Et ideo quicumque peccat, vel peccat per ignorantiam vel peccat ignorans, quod videtur velle Philosophus in 3. *Ethicorum.*"

¹²⁰ Henry of Ghent, *Quodlibet I*, q. 16 (5:114); and q. 17 (5:146).

¹²¹ Giles of Rome, *Quodlibet III*, q. 16 (181).

¹²² Ibid (182): "... cum peccamus per ignorantiam certum est quod ignorantia in ratione praecedat malitiam in voluntate quia ratio quare peccamus est ignorantia. Sic stantibus ergo conditionibus ignorantia praecedit peccatu[m], sive malitiam."

¹²³ Putallaz, *Insolente liberté*, 251. Giles of Rome, *Quodlibet III*, q. 16 (182): "Sed cum peccamus ignorantes, ignorantia videtur concomitari malitiam. Sic enim imaginamur quod peccans ignorans non ignoret in universalis et quod ratio secundum se sit recta; obliquitatem autem, si quam habeat, habeat ex connexione ad appetitum."

In order to account for how this can happen, Giles resorts to a theory of volitional self-motion that he defended in an earlier *Quodlibet*.¹²⁴ According to this theory the will is able to determine itself in the sense that it can indirectly specify or control its own act. It has to do this since, so Giles thinks, the intellect is a “natural” power, and therefore neutral with respect to judgments about the relative goodness of objects.¹²⁵ The function of the intellect, therefore, at least as regards mixed goods, is to present them to the will in the first instance under both their aspects: good and bad. When the intellect apprehends fornication (*fornicatio*), for example, as an object of potential interest to the will it considers it, in the first instance, as something that is both good and bad: good as pleasurable, and bad as immoral. It would consider fornication, in other words, under the description “fornication is an immoral pleasure.”¹²⁶

Giles is in agreement with virtually all of his contemporaries, voluntarist and intellectualist alike, in insisting that the will can only choose an object that is regarded as somehow good.¹²⁷ But since the intellect alone cannot determine value, according to Giles, it requires the direction of the will, otherwise both powers will remain in a state of neutrality with respect to the object. In order for the intellect to leave this state of indetermination and regard the object as either good and therefore an object of volition, or bad and therefore an object of nolition, the will must determine it to give preference to one aspect over the other. Once the will has determined the intellect to focus, say, on the good or pleasurable aspect of fornication, an act of volition for this object follows in the will. Should the will direct the intellect to give preference to the immoral aspect, on the other hand, the intellect will present this object to the will under its bad, or undesirable aspect, and hence it will be nilled.¹²⁸ On such a theory, although the intellect reduces the will to act as a

¹²⁴ Cf. Giles of Rome, *Quodlibet III*, q. 15 (176–80). For a more detailed account of Giles’s theory of self-motion with respect to the will, see Eardley, “Thomas Aquinas and Giles of Rome on the Will,” 847–61.

¹²⁵ Giles of Rome, *Quodlibet III*, q. 15 (180).

¹²⁶ Ibid., q. 16 (182): “Apprehendit ergo ratio fornicationem et apprehendit eam ut bonam et malam, ut bonam quidem, quia delectabilem, ut malam, quia inordinatam. Non posset autem ratio intelligere hanc propositionem ‘fornicatio est delectatio inordinata’, nisi esset ibi intentio voluntatis connectens. Semper enim cum aliquid actu intelligimus, et cum ex memoria generatur aliquid in intelligentia est ibi intentio voluntatis connectens. Quamdiu ergo consideramus hanc propositionem ‘fornicatio est delectatio inordinata’ oportet quod velimus eam considerare.”

¹²⁷ Kent, *Virtues of the Will*, 174–82.

¹²⁸ Giles of Rome, *Quodlibet III*, q. 16 (182): “Cum ergo ratio totam istam propositionem apprehendit et cum voluntas fertur in hoc totum, ut patet ex quaestione praecedenti, potest se determinare ut velit considerare alterum tantum. Cum enim intelligimus totam hanc propo-

proximate cause, the will itself is the ultimate cause of specifying its own act. It is in this sense that it can be said to determine itself.

Giles's theory of volitional self-determination follows from his view that it is the will, rather than the intellect, that possesses the power of command (*imperare*) within the human soul. This is a key feature of thirteenth-century voluntarism, and can be found in such thinkers as Walter of Bruges, Henry of Ghent, and Richard of Middleton.¹²⁹ Although such thinkers acknowledged that the object of the intellect is a necessary condition for the will to exercise its act, they saw the relationship between intellect and will as similar to that which exists between an advisor (*consiliarius*) and a king (*rex*).¹³⁰ According

sitionem ‘fornicatio est delectatio inordinata’ consideramus fornicationem sub dupli ratione. Sed voluntas potest se determinare ut velit considerare fornicationem sub altera ratione tantum: potest enim desistere velle considerare fornicationem quia inordinata, et insistere velle considerare ipsam quia delectabilis. Et cum hoc facit facile allicitur. Si autem e contrario facit, abhominatur. In potestate autem eius est facere hoc vel illud, potest enim esse magis facile vel magis difficile secundum quod magis vel minus consuevimus ad opera contraria.”

¹²⁹ Cf. Walter of Bruges, *Quaestiones disputatae*, q. VI (ed. E. Longpré, *Quaestiones disputatae du B. Gauthier de Bruges* [Louvain, 1928], 60): “Respondeo. Imperare est actus voluntatis elicitive, rationis autem ut praecedentis voluntatis actum consultive, rationis vero actum quemdam voluntatis sequentis est denominativi; et quia actus proprie est illius potentiae quae elicit illum, dico imperare est proprie actus voluntatis, non rationis. Ad cuius evidentiam nota quod, quia in agentibus mutuo unum agens imprimet suam virtutem in alio, contingit error aliquibus quod actum unius attribunt (1) alii et e converso. Verbi gratia: Rex non imperat vel non dat mandata nisi prius habito consilio cum consiliariis suis; quidquid sciunt regi exprimunt (2); rex vero, si vult sequi consilium sibi datum, facit statutum et praecepit praeposito ut statutum. . . .” See Henry of Ghent, *Quodlibet I*, q. 14 (5:90): “. . . quod dirigens superior est directo, dicendum quod est dirigens auctoritate, sicut dominus servum: ille est superior: sic voluntas dirigit intellectum; vel ministerialiter sicut servus dominum, *praefерendo lucernam* de nocte ne dominus offendat: tale dirigens est inferius et sic intellectus dirigit voluntatem, unde a dirigendo et intelligendo potest ipsum voluntas retrahere quando vult, sicut dominus servum.” See also, Richard of Middleton, *Quaestiones disputatae* (ed. Lottin *Psychologie et morale* 1:298): “Intellectus movet voluntatem ostendendo et suadendo; hoc non est proprie movere voluntatem, sed disponere ad motum voluntatis; sed voluntas movet seipsam per modum efficientis et intellectus per modum imperii.”

¹³⁰ Giles of Rome, *In II Sent.*, d. 24, q. 1, a. 1 (*Aegidius Romanus in secundum librum Sententiarum* [Venice, 1681; rpt. Frankfurt, 1968], 243): “Sed si dicatur quod imperare non est voluntatis sed rationis, et quia cuius est imperare, eius est dominari. Ideo si imperare est rationis, dominari erit rationis. Dicemus quod formare verba imperii vel formare verba dominii est rationis, et est proferre huiusmodi verba intrinsecus est rationis quia nulla potentia animae format vel profert verba intrinseca nisi intellectus vel ratio. Tamen hoc non obstante, imperare et dominari est voluntatis. Habebit enim se in hoc casu intellectus ad voluntatem sicut consiliarius ad regem. Consiliarius quidem sciens voluntatem regis secundum voluntatem illam potest formare et proferre verba imperii et dominii. Illud tamen imperium et dominium secundum quod verba proferuntur et formantur non est consiliarii sed regis. Et Rex dicitur esse Praeceptor et Imperator et Dominus non consiliarius.” On the dating of this work see del Punta and Trifogli, “Giles of Rome,” 77. Also, cf. Walter of Bruges, *Quaestiones disputatae*, q. 6 ad

to this metaphor, just as an advisor provides rationalization for the desires of the king, so too does the intellect for the will. The real power (*dominium*) within the soul, then, reposes in the will. This view is quite different from that of Aquinas, as we have seen. On Thomas's account, reason is the *vis regitiva* or ruling power of the soul. Moreover, so Thomas thinks, *imperare* is an "act of the intellect, presupposing an act of the will."¹³¹ That is, although Aquinas regards the will as the first mover in the powers of the soul, he nonetheless argues that command is "essentially" (*essentialiter*) an act of reason.¹³² When Giles attributes to the will the power of command, then, he is in agreement with such voluntarists as Henry of Ghent, for whom command is unqualifiedly an act of the will.¹³³

As might be expected, Giles's theory of how the will determines the intellect, and thus indirectly determines itself, governs his account of moral weakness. For if the will determines the intellect with regard to specifying the object, it follows that when the intellect presents to the will a good that is only apparently so, this is because the will has commanded it to do so. Clearly then, it is not the case that ignorance causes the disorder of the will in the first instance. Rather, so Giles thinks, it is the reverse, for "in the person who sins in ignorance, and not on account of ignorance, the corruption of the will *precedes* the deception of reason; but the deception of reason precedes the carrying out of the deed."¹³⁴

As we saw, when the intellect presents an apparent good to the will, it does so under the description of the immoral *and* the pleasurable. If the will is not attracted by the pleasurable aspect, it will command the intellect to describe the object as immoral. If the will *is* attracted by the pleasurable aspect, on the other hand, it becomes corrupted, and once corrupted it infects the intellect, causing it to err and to view the object as good and therefore choiceworthy.¹³⁵

19 (ed. Longpré, 66): "... voluntas indiget intellectu ut sibi serviente et consulente, sicut rex consiliariis; intellectus vero indiget voluntate, ut imperante, ut sua auctoritate determinante quomodo intellectus et de quibus consulere et investigare debet."

¹³¹ Thomas Aquinas, *ST* 1-2.17.1 c.

¹³² Ibid.

¹³³ Henry of Ghent, *Quodlibet IX*, q. 6 (13:142): "... dico quod, quantum est ex parte superioritatis, potius ponendum est quod voluntatis est imperare, et intellectus et omnium aliarum potentiarum oboedire atque imperium voluntatis suscipere."

¹³⁴ Giles of Rome, *Quodlibet III*, q. 16 (182): "In eo ergo qui peccat ignorans, et non per ignorantiam, infectio voluntatis praecedens deceptionem rationis, sed deceptio rationis praecedens perpetrationem operis."

¹³⁵ Ibid.: "Et si in potestate eius est ut attendat circa fornicationem, vel quia delectabilis vel quia inordinata, in potestate eius est ut alliciatur ad fornicationem vel abhominetur eam. Et si allicitur, ipsa iam allecta et quasi infecta, inficit rationem, ut male iudicet circa fornicationem apprehensam ut scilicet iudicet fornicationem faciendam esse quae non est facienda. Infectio

Now once the will has been corrupted, most would admit that the will blinds reason (*excaecet rationem*). The crux of the matter is what sort of act *precedes* such corruption. The intellectualist, of course, will respond that a prior error of the intellect was the cause of the will's corruption, while the voluntarist will assert that it is some sort of *malitia* inherent in the will itself. Giles's solution encapsulates the following distinction: if reason errs with regard to moral principles, that is, if there is ignorance of the universal premise, then error clearly precedes *malitia*, with the result that the will "falls into sin" (*ruat in peccatum*). However, if reason does *not* err at the level of universal principles and offers the will the object under both its aspects—pleasurable and disordered—then the will is corrupted first, after which the deception of the intellect follows.¹³⁶

That *malitia* is what causes error rather than vice versa, then, is grounded in the fact that the will has control over the manner in which the intellect presents objects to the will. It is a matter of some significance that Giles gives no indication that the will necessarily has to be perverse in order for it to be attracted initially to the pleasurable aspect. It only becomes perverse *after* it has opted for the pleasurable over the immoral, hence his use of the ablative absolute *voluntate infecta*. It may be inferred, therefore, that the will can choose one option over the other entirely at its own discretion, simply, as it were, from a spontaneous freedom prior to any goodness or malice as might exist in it, and certainly prior to any determination of the intellect.¹³⁷

Giles emphasizes the will's independence from the intellect in his following *Quodlibet III*, q. 17. There he remarks that not only does the perversion of

enim voluntatis pervertit iudicium rationis circa agibilia sicut infectio linguae pervertit iudicium eius iuxta gustabilia. Ergo in eo qui sic peccat, nisi praecederet allectio et infectio in voluntate, non communicaretur deceptio rationis. Erit ergo in sic peccantibus hic ordo: ut prius ratio apprehendat aliquid sub duplice ratione, et hoc sine peccato non tamen sine periculo. Secundo voluntas determinet se ut velit desistere considerare de fornicatione sub hac ratione et insistere sub alia. Et prout voluntas se determinat, ratio sic exequitur ut voluntas vult, et sic considerat. Quo facto, voluntas allicitur vel abhominatur; et sic si allicitur, allacta iudicium rationis pervertit. Quo perverso, progredimur in placitum opus."

¹³⁶ Ibid. (183): "Sed de hoc quaestio non est quia postquam iam infecta est, certum est quod infectio voluntatis excaecet rationem. Sed quaestio est: antequam esset voluntas infecta, quid praecesserit? An error rationis? An malitia voluntatis? Respondetur si ratio ignoret in universali vel non ostendat de re quidquid est ostendendum, certum esse quod ex tali ignorantia possit sequi infectio voluntatis ut propter huiusmodi defectum ruat voluntas in peccatum. Sed si ratio non erret in universali et sit solum intenta ad considerandum in re 'quae sint ea' ut si ad considerandum de fornicatione dicat ratio quod licet sit delectabilis, sit tamen inordinata et contra mandatum Dei, oportet quod etsi non tempore saltem natura prius voluntas allicitur per delectationem et sic inficiatur; et voluntate infecta sequatur deceptio rationis."

¹³⁷ For a more detailed discussion of this point, see Eardley, "Foundations of Freedom in Later Medieval Philosophy," 370–75.

the will precede the error of the intellect where sinning “in ignorance” is concerned, but that the will can even act *against* the conclusions of a correct intellect. That is, when the intellect judges correctly that fornication is pleasurable but that it is also to be avoided, the will can still opt to pursue fornication, after which, it corrupts the intellect. At times, Giles even makes the stronger claim that when reason judges absolutely (*simpliciter*) that something should not be done, the will is nonetheless able *simpliciter* to will that thing, “so that the judgment of reason is not the cause of the depraved will, but rather the reverse.”¹³⁸ This last claim is very close to the sort of claim that contemporary voluntarists such as Henry of Ghent would have made for the freedom of the will.

According to Giles, then, the *malitia* of the will both precedes and is the cause of error in the intellect where *peccans ignorans* is concerned. To this extent he is faithful to the voluntaristic intention behind Tempier’s prohibition of articles 129 and 130. But Giles had also argued, recall, that the error of the intellect and the *malitia* of the will were concomitant. How does Giles reconcile these two claims? Henry had appealed to a divided instant in order to account for how a disordered will could be the cause of the error of the intellect while insisting that they occur simultaneously. According to Henry, although error and *malitia* occur in the same temporal instant, the instant itself can be divided into prior and posterior signs “according to nature” (*secundum naturam*). In the prior sign, *malitia* arises in the will alongside a correct intellect, while in the posterior sign the intellect, as the result of malice in the prior sign, falls away from rectitude.¹³⁹

Giles employs Henry’s identical strategy to account for how Tempier’s prohibition of articles 129 and 130 can be reconciled with the PM. Although

¹³⁸ Giles of Rome, *Quodlibet III*, q. 17 (180): “... quod ratio iudicat non agendum simpliciter potest velle voluntas simpliciter, ita quod iudicium pravum rationis non sit causa pravae voluntatis sed magis e converso. Intellectu enim non prave iudicante de fornicatione potest voluntas prave velle, semper enim ad malitiam voluntatis relinquitur aliqua caecitas in intellectu. Itaque hoc non potest esse quod aliquis sit malus et non sit ignorans. Concedimus tamen quod intellectu non ignorantia et non existente caeco, possit voluntas prave velle, in quibus verbis non separamus caecitatem a malitia secundum esse, ut sit malitia sine caecitate sed secundum qualitatem, quia potest esse malitia absque eo quod sit a caecitate causata, sed magis sit caecitatis causa. Dicente enim intellectu quod fornicatio sit delectabilis tamen sit simpliciter fugienda, verum dicit. Voluntas tamen potest allici ex eo quod fornicatio sit delectabilis quia allacta inficit rationem ut iudicet hanc fornicationem in particulari, prout est in hac materia delectabili esse faciendam quam iudicabat fugiendam. Hoc ergo modo potest voluntas velle facere, quod intellectus iudicat non faciendum, quia potest caecare rationem, quia potest se sic determinare ut alliciatur ab aliquo bono sensibili apprehenso, quae allacta inficitur et infecta, inficit rationem, et eius pervertit iudicium.”

¹³⁹ Henry of Ghent, *Quodlibet X*, q. 10 (14:261).

he mentions it only in passing, its presence is unmistakable in *Quodlibet III*, q. 16. Here he remarks that: “if therefore, regarding fornication, reason dictates that although it is pleasurable, it is nonetheless immoral and against the command of God, it is necessary that, if not in time (*tempore*), at least in nature (*natura*), the will first be attracted by pleasure and therefore corrupted; and the deception of reason follows once the will has been corrupted.”¹⁴⁰ Admittedly, this is a superficial treatment of the divided instant.¹⁴¹ The reasons for this must remain a matter for conjecture. It is possible that Giles—like Gonsalvus of Spain and John of Pouilly—was not entirely convinced by Henry’s account, yet was eluded by a better explanation of how to reconcile Tempier’s prohibitions with the PM. Or perhaps Giles thought that Henry had said everything there was to say on the topic in the four disputationes in which the latter had defended it. Whatever the case, Giles is clearly indebted to Henry for his own resolution to the problem of moral weakness.

CONCLUSION

I hope to have established two things here. First, a significant shift occurred in Giles of Rome’s understanding of moral weakness. In his early works, Giles defended the moderately intellectualist view of incontinence that was virtually identical with, and almost certainly derived from, Aquinas. After having been caught up in the general sweep of Tempier’s condemnations and his subsequent rehabilitation as regent master of theology, however, Giles gravitated towards Henry of Ghent’s theories on how to understand moral weakness. He also eventually relied on Henry, as we saw, for his strategy of how to reconcile the PM with Tempier’s prohibition of articles 129 and 130 of the Condemnation of 1277.

In addition to his adoption of the divided instant, then, which he clearly derived from Henry, Giles defended in his mature writings such voluntarist claims as that the will is the ruling power in the soul that possesses the ability to command the other powers, notably the intellect. It is because the will possesses such an ability that it can direct the intellect to focus on the good or bad aspect of any contingent object. When it commands the intellect to focus on the goodness of some merely apparent, pleasurable good such as fornication, a bad choice ensues. Therefore, although there is intellectual error associated with the incontinent’s choice of the pleasurable option, nonetheless

¹⁴⁰ Giles of Rome, *Quodlibet III*, q. 16 (183). See n. 136 above.

¹⁴¹ For a more in-depth treatment of Giles’s views on the instant of change, especially in the early works, see C. Trifogli, “Giles of Rome on the Instant of Change,” *Synthese* 96 (1993): 93–114.

Giles, in strict agreement with Henry, insists that the *malitia* or disorder of the will is what causes the intellect to make this erroneous determination in the first place. Because the will controls the intellect in determining how objects are to be specified, it is ultimately the will that causes the intellectual error associated with incontinence, making such ignorance voluntary and therefore blameworthy. Furthermore, although *malitia* and error occur simultaneously whenever rational agents succumb to moral weakness—Henry's own interpretation of the *propositio magistralis*—Giles's reliance on Henry's solution of the divided instant allows him to maintain that *malitia* is nonetheless the cause of intellectual error.

Such features of Giles's mature understanding of moral weakness stand in sharp relief to the early views that he inherited from Aquinas. First, on the Thomistic account of incontinence, it is the sense-appetite, rather than the will, that ultimately accounts for the failure of reason from which wrongdoing ensues. Second, there is an attachment to the claim that the will always follows what is firmly held by reason. Accordingly, when reason succumbs to the influence of passion, an intellectual error occurs and a choice for the illicit object ensues. Finally, in the *reportatio*, Giles follows Aquinas in holding that reason, rather than specifically the will, is the ruling power within the soul.

Second, I hope to have stimulated a deeper appreciation for the way in which the Condemnation had an influence on debates surrounding moral weakness. That so prominent a contemporary as Giles of Rome was forced to reconsider his views on the causes of wrongdoing as a result of Tempier's action is significant. It suggests that the Condemnation of 1277 and its associated censures had more of an impact on later developments within philosophy than some scholars are perhaps prone to recognize.¹⁴²

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¹⁴² Thanks go to Jonathan Black for his careful reading of an earlier draft of this article, to Bonnie Kent, and to an anonymous referee for helpful suggestions.

HENRY OF HARCLAY ON THE UNIVOCAL CONCEPT OF BEING

Mark Henninger

HENRY of Harclay (ca. 1270–1317) was among the first to be influenced by the genius of Duns Scotus. He was in Paris at the time when Scotus was lecturing on the *Sentences* there, and this early influence is seen in Harclay's own commentary on the first book of the *Sentences*.¹ A later work, a series of ordinary questions, has been preserved in which he shows more independence and maturity, although certain elements, like his vigorous anti-Thomism, remain intact. Hardworking scholars have edited and examined a number of these questions, and their studies have illuminated various aspects of this complex thinker's doctrine. With the appearance of the Latin critical edition and English translation of all twenty-nine of his *Ordinary Questions*,² we can finally begin a more systematic assessment of his thought. This article is such a contribution: it not only examines his theory of the univocal concept

¹ Although there is evidence that Harclay's full Parisian commentary on all four books of the *Sentences* was at one time extant, today we know only of Harclay's commentary on the first book, preserved in two codices: Casale Monferrato, Seminario Vescovile B.2, fols. 1r–84r, and Vatican City, Biblioteca Apostolica Vaticana Vat. Lat. 13687, fols. 13r–97v. Out of the total of almost eighty questions it contains, only a few have been edited. See C. Schabel, “Aufredo Gonteri Brito Secundum Henry of Harclay on Divine Foreknowledge and Future Contingents,” *Disputatio* 2 (1997): 159–95; R. L. Friedman, “Trinitarian Theology and Philosophical Issues,” *Cahiers de l'Institut du Moyen-Âge Grec et Latin* 72 (2001): 89–168; M. G. Henninger, “Henry of Harclay's *Quaestio* on Relations in His *Sentences* Commentary: An Edition,” in *Greek and Medieval Studies in Honor of Leo Sweeney, S.J.*, ed. W. J. Carroll and J. J. Furlong (New York, 1994), 237–54; and idem, “Henry of Harclay's Questions on Divine Prescience and Predestination,” *Franciscan Studies* 40 (1980): 167–243. For the relation of Harclay in his *Sentences* commentary to Duns Scotus, see with caution C. Balić, “Henricus de Harclay et Ioannes Duns Scotus,” in *Mélanges offerts à Étienne Gilson* (Toronto, 1959), 93–121, 701–2; and idem, “Annotationes ad nonnullas quaestiones circa *Ordinationem I. Duns Scoti*,” in *Iohannis Duns Scoti Opera omnia* [hereafter, Vat.] vol. 4 (Vatican City, 1956), 1*–39*.

² Henry of Harclay: *Ordinary Questions I–XIV, XV–XXIX*, 2 vols., ed. M. Henninger, trans. R. Edwards and M. Henninger (Oxford, forthcoming in the *Auctores Britannici Mediæviæ* series). I cite the numbered paragraphs within each question with the abbreviation “n.” Hence a citation to the thirty-third paragraph of the twelfth question is “*Quaest. Ord. XII, n. 33.*” Editions and studies of the *Ordinary Questions* that have appeared in the past are found in the introduction to this critical edition and translation.

of being in his Ordinary Question XII, but it is also an attempt to begin to form an overall view of the inner coherence of his thought by relating his doctrine on the univocal concept to other doctrines, notably those on relations and universals found in his Ordinary Questions XIII and XIV. More generally, we see in these three questions the beginnings of the debates around realism and conceptualism at that time that would mark later fourteenth-century thought.³

Harclay's discussion of univocity in his Ordinary Question XII is divided into two parts.⁴ The first asks whether there is anything univocally common to God and creatures, and the second asks the same concerning substance and accident. Harclay announces at the start his own position on both questions: there is “something univocally common” to God and creatures and to substance and accident, and it becomes clear in the course of his discussion that what is univocally common is no thing, but a concept.

In what follows, I treat mainly the first part of Harclay's Ordinary Question XII, that dealing with God and creatures, since it is this topic that Harclay examines most extensively, arguing for the univocal concept of being, clearly inspired by Scotus. But as the question develops and Harclay responds to objections, we find his arguments and assumptions differing significantly from those of his mentor, revealing metaphysical and epistemological assumptions that separate the two. The article, then, is divided in two parts: the first shows the ways Harclay's thought derives from Scotus, and the second shows how he clearly develops his own conceptualist reasons for defending the univocal concept of being.

HARCLAY'S ARGUMENTS FOR THE UNIVOCAL CONCEPT OF BEING

The Scotist inspiration of Harclay's position is evident from his first principal arguments for the univocal concept of being. Scotus had argued against

³ A good recent collection of studies of realist reactions in the fourteenth century to conceptualism and various forms of ontological parsimony is found in *Vivarium* 43.1 (2005), an issue edited by A. Conti and dedicated to “Realism in the Later Middle Ages.”

⁴ Henry of Harclay, *Quaest. Ord.* XII, “Utrum Deo et creaturis aliquid sit commune univocum,” n. 4 (see also n. 76): “Ad quaestionem, primo dicendum quod Deo et creaturis aliquid est commune univocum, 2º dicendum est quod substantiae et accidenti aliquid est commune et univocum.” The only study done before the Latin critical edition of Harclay's *Ordinary Questions* is the excellent one by Armand Maurer; see A. Maurer, “Henry of Harclay's Question on the Univocity of Being,” in *Being and Knowing: Studies in Thomas Aquinas and Later Medieval Philosophers* (Toronto, 1990), 203–27. This article contains in the notes a number of excerpts from *Ordinary Question XII* and is a revised version of the original article appearing in *Mediaeval Studies* 16 (1954): 1–18.

the views of Henry of Ghent who held that there are two distinct concepts of being, one proper to creatures and one proper to God. Scotus contended that this made all demonstrations from creatures to God, indeed all inquiry concerning God, impossible. Rather discourse about God required concepts univocal to God and creatures. Harclay emphasizes this central claim of Scotus, as is evident in his principal argument: All powers are distinguished by their acts and acts by their objects. But the intellect is one cognitive power, so its primary object will be one, and this is being. Further, this primary object of our intellect must extend to both caused and uncaused being:

If, however, we say that it does not extend to uncaused being, it then follows that our intellect can by no power know uncaused being. This consequent is false. Proof of the implication: no cognitive power can know, by any of its powers, what is beyond its primary and adequate object or what is not contained within its primary and adequate object. Sight, for example, can by no power know something that is neither colour nor light, nor can hearing know anything not contained under sound.⁵

Harclay also draws his subsequent main arguments for the univocal concept from Duns Scotus.⁶ For example, he argues that

- (1) Being is demonstrated of God.
- (2) This being signifies either (a) precisely the being of a creature, (b) precisely divine being, or (c) a concept common to God and creatures.
- (3) Not (a), for the being of a creature is not proper to God.
- (4) Not (b), for then proving that God exists is nothing other than proving that God is God.
- (5) Hence, (c).⁷

⁵ Henry of Harclay, *Quaest. Ord.* XII, n. 3: “Si dicat quod non se extendat ad ens incausatum, ergo sequitur quod intellectus noster nulla virtute possit cognoscere [Maurer; ignorare MS] ens incausatum; consequens falsum. Probatio consequentiam: potentia cognoscitiva quaecumque nulla virtute potest cognoscere illud ad quod non se extendit suum primum obiectum et adaequatum vel illud quod non continetur sub suo primo obiecto adaequato, sicut visus nulla virtute potest cognoscere illud quod non est color vel lumen, nec auditus illud quod non continetur sub sono.”

⁶ Scotus, *Ord.* I, d. 3, pars 1, q. 1–2, n. 38 (Vat. 3:25–26).

⁷ Henry of Harclay, *Quaest. Ord.* XII, n. 6: “... de Deo demonstratur esse per philosophos, nam haec propositio ‘Deus est’ est conclusio demonstrationis, saltim factae a posteriori. Tunc quaero utrum esse quod demonstratur de Deo significet conceptum communem Deo et creaturis. Si sic, habetur propositum. Si non, tunc significat praecise esse creaturae, quod est impossibile quia tale esse non convenit Deo, aut praecise significat esse divinum, et tunc probare Deum esse nichil aliud est probare nisi Deus est Deus, quia esse praecise Dei non dicit aliud, nec rem nec conceptum, nisi esse Dei. Consequens est falsum, quia illud non est probabile sed praesuppositum et per se notum, Deus est Deus.”

For premise 1, he states that the proposition “God exists” is the conclusion of an *a posteriori* demonstrative proof by the philosophers.⁸ For 4, he argues that if the being in question is only the divine being, then since the divine being is nothing other than the being of God, what is proven in the conclusion “God exists” is nothing more than “God is God,” but this is *per se notum*, not the conclusion of a demonstrative proof. What is noteworthy in the argument is the key second premise, taken as an exhaustive disjunction, and he does not mention another option, “being common to God and creatures.” For Harclay assumes, following Scotus, that while there is nothing *in re* common to God and creatures, there is a concept common to them.

The necessity of univocal concepts for inquiry into God is very clearly evident in another argument, again directed against Henry of Ghent: being wise/intelligent in creatures is better than not being wise/intelligent; therefore God is wise/intelligent.⁹ He states that both Aristotle and Augustine use such reasoning, and hence the premise is true and the implication is good. The argument, then, is ultimately one from authority, one with weight, based on the highest representatives of the philosophical and theological traditions. He then argues that for the soundness of the implication, the univocal concepts of “wise” and “intelligent” are needed. In the premise, “being wise is better than not being wise,” he asks about the negation, “not being wise”: is the wisdom being denied here common to both God and creatures? If so, he has shown his point, for, as he argues, “the things about which a negation is made must necessarily agree in something common which is first denied.”¹⁰ This is Harclay’s formulation of a point Scotus made in his *Reportatio I-A*; he had argued, following Aristotle,¹¹ that a negation is only known by denying some affirmation:

For no negation is simply first, since I cannot know what must be denied about anything unless I first know something asserted about that subject that is inconsistent with it [and further] denied. Therefore if something is denied of God, it must be because of something positive; therefore something positive is known about him.¹²

⁸ Henry of Harclay, *Quaest. Ord. XII*, nn. 6–7.

⁹ Ibid., n. 8: “... haec consequentia est bona: sapiens in creaturis est melius non sapiente, vel intelligens melius non intelligentem, ergo Deus est intelligens.”

¹⁰ Ibid., n. 10: “... quaero de antecedente, cum dicitur sapiens est melior non sapiente, an negatio cum dicitur ‘non sapiens’ negat sapiens pro sapiente creato et increato. Quod si sic, habetur propositum quod sapienti creato et increato est aliquid commune, quia illa pro quibus fit negatio necessario convenient in alico communi quod primo negatur, sicud et illa pro quibus fit distributio convenient in alico communi necessario quod distribuitur primo pro omnibus.”

¹¹ Aristotle, *Metaph. 4.4* (1008a15–18); *De interpr. 14* (24b1–7).

¹² John Duns Scotus, *The Examined Report of the Paris Lecture: Reportatio I-A, Dist. 3, q. 1, Art. 1*, ed. and trans. A. B. Wolter and O. V. Bychkov (St. Bonaventure, N.Y., 2004), 188.

This is indicative of both Scotus's and Harclay's giving primacy to positive theology over various forms of negative theology, and in this they form a common front with Henry of Ghent against Aquinas.¹³

On the other hand, if in the premise "wisdom" refers only to creaturely wisdom, it would be false, for it is not necessary that being creaturely wise is better than not being creaturely wise, for God, lacking creaturely wisdom, is not creaturely wise. Rather, if the implication is to hold, one must understand "wise" here as referring to something common to both creaturely and divine wisdom.¹⁴

Harclay further argues that "wisdom," as it is said of a creature, can be said of God, for "wisdom" even as said of a creature does not include in its formal concept any limitation or imperfection.¹⁵ He admits that if, for example, being a specific difference in the category of quality were part of the formal concept of "wisdom" as said of creatures, then "wisdom" would include in its formal concept a limited perfection and could not then be said of God. But this is not the case. In this, he differs from a strong proponent of Aquinas, Thomas Sutton, who held that precisely for this reason, "wisdom" and other divine names, as they are said of creatures cannot be said of God univocally, for part of their formal concept is to be a quality.¹⁶

¹³ S. Dumont, "Henry of Ghent and Duns Scotus," in *Routledge History of Philosophy*, vol. 3: *Medieval Philosophy*, ed. J. Marenbon (London, 1998), 303–7: "In express opposition to the assertion of Aquinas, Henry [of Ghent] denied that in the present life we cannot know what God is but only what God is not. . . . That is, to have purely negative knowledge of the divine essence is to have no knowledge at all. The reason is that negation is always negation of something, so that all meaningful knowledge of what something is not presupposes, to some degree, knowledge of what it is." See also F. Catania, "John Duns Scotus on *Ens Infinitum*," *American Catholic Philosophical Quarterly* 67 (1993): 40; and D. Burrell, *Analogy and Philosophical Language* (New Haven and New York, 1973), 117.

¹⁴ Henry of Harclay, *Quaest. Ord.* XII, n. 10: "Si autem dicas quod negatio negat sapiens tantum pro sapiente creato, tunc antecedens est falsum, quia non est necesse quod sapiens creatum est melius sapiente non creato vel non sapiente creato. Nam Deus est non sapiens hoc modo, quia non est sapiens creatum (sicud Socrates in rei veritate esset non homo si homo tantum negaretur pro Platone.) Et sic argumentum Augustini non valeret, nam certum est quod Deus est melior sapiente creato."

¹⁵ Ibid., n. 12: ". . . sapientia dicta de creatura non pro alio repugnaret Deo nisi quia sapientia dicta de creatura in suo formali intellectu includeret aliquam imperfectionem Deo repugnantem. Sed haec est falsum, ut probabo, ergo et cetera. Probatio: quia si sapientia dicta de creatura in suo formali intellectu includeret perfectionem limitatam, puta differentiam specificam in genere qualitatis, impossibile esset transferre sapientiam ad divina plus quam qualitatem; consequentia est satis plana. Ideo enim repugnat qualitati transferri ad divina, quia qualitas includit perfectionem limitatam. Si ergo sapientia includeret qualitatem, includeret eandem limitatam perfectionem; ergo non posset transferri ad divina sicud nec qualitas."

¹⁶ See Thomas Sutton, *Quaestio ordinaria* 32 (ed. J. Schneider, *Thomas von Sutton: Quaestiones ordinariae* [Munich, 1977], 870–95); and see the introduction, 240*–265*.

Harclay clarifies his position through the authority of Augustine, who says that God is not “called light as he is called a stone; the former is proper to him, the latter only metaphorical.”¹⁷ He asks, “Now, I desire to know whether light said of a creature (I do not say created light insofar as it is created, but light said of a creature), I desire to know, I say, whether it includes in its formal concept perfection limited to a genus.” Here he is careful to draw a distinction between “light” *said* of a creature, i.e., light abstracted from all limitation and as such said of creatures, and “created light, insofar as it is created,” which certainly does include limitation. He follows Scotus in granting to our intellect the capacity to conceive of “wisdom” abstracted from all limitations, for otherwise one could not draw the distinction found in Augustine and in the whole tradition. Indeed, if it did include a limitation, it would not be said of God, with the inconvenient consequence that any light then said of God would be “of an entirely different order to that pertaining to creatures,” and hence the spectre of an unbridgeable gulf between our knowledge of God and that of creatures once again arises. Such a distinction of Augustine, found throughout the theological tradition, demands that names said of God do not include in their formal concept any limitation or imperfection and as such are univocal to God and creatures.¹⁸

But I believe the key argument Harclay brings forward is the following: “wisdom is formally predicated of God and of a creature and is not predicated equivocally; therefore it is predicated univocally.”¹⁹ For this, he relies on Aristotle:

Proof of the antecedent: firstly, Aristotle, in the first book of his *Topics*, gives one test to discover whether things are said equivocally, as for instance whether “light” is said univocally or equivocally of sound and clothing. He writes that you should consider whether they are comparable one to another, either having some attribute to an equal degree or one having more than the other, and if so, then they are not equivocal. But if they are not comparable,

¹⁷ Henry of Harclay, *Quaest. Ord.* XII, n. 13: “. . . Augustinus, 4 *Super Genesim*, dicit quod Deus non eo modo ‘dicitur lux quo lapis, hoc enim proprie, hoc autem figurative.’ Tunc quaero utrum lux dicta de creatura (non dico lux creata in quantum creata, sed lux dicta de creatura) quaero utrum in suo formali intellectu includit perfectionem limitatam ad genus. Et tunc non posset [Deus] magis proprie dici lux quam lapis. Nam [Deus] non diceretur lux proprie nisi luce alterius rationis omnino ab illa quae convenit creaturis. Et sic posset [Deus] dici proprie lapis, nam nichil prohibet eum dici proprie lapis quasi lapideitate alterius rationis ab illa quae est in creatura. Et possumus invenire similitudinem lapideitatis in Deo sicud lucis.” Compare the similar argument of Scotus, *Ord.* I, d. 3, pars 1, q. 1–2, n. 40 (Vat. 3:27).

¹⁸ See in this connection R. Cross, *Duns Scotus*, Great Medieval Thinkers (New York and Oxford, 1999), 35–37.

¹⁹ Henry of Harclay, *Quaest. Ord.* XII, n. 14: “. . . sapientia dicitur formaliter de Deo et de creatura et non aequivoce, ergo univoce.”

then they are equivocal, as clarity in a voice cannot be compared to clarity in a colour; these things are thus equivocally clear.²⁰

Harclay's remarks can be formulated as follows:

- (A) If F is said of *a* and of *b*, and *a* and *b* cannot be compared with respect to F, then F is said of *a* and *b* equivocally.
- (B) If F is said of *a* and of *b*, and *a* and *b* can be compared with respect to F, then F is not said of *a* and *b* equivocally.

And (B) is true of God and creatures:

God and a creature, however, are compared according to wisdom: God is wiser than a creature, for whatever pertains formally to an equivocal cause and formally to its effect pertains more primarily to the cause than to its effect. This is clear from what Aristotle says in the first book of his *Posterior Analytics*: “A thing always belongs more to that thing because of which it belongs.” Also, see the second book of his *Metaphysics*: “Therefore the principles of ever-existing things are the most true” because they are the cause of other things being true.²¹

He concludes: “The antecedent, then, is true: whatever formally pertains to God and to creatures is not ascribed equivocally, since comparison can be made according to something common, as is now clear.”²² He then proceeds to prove the implication that what are said of God are said univocally, from the general principle he finds in the passage from Aristotle's *Topics*:

- (C) What is not said equivocally is said univocally and vice versa.²³

²⁰ Ibid., n. 14: “Probatio antecedentis: primo Aristoteles, primo *Topicorum*, dat unam considerationem ad sciendum utrum aliqua dicantur aequivoce, sicud utrum album univoce dicatur vel aequivoce de sono et de veste. Et dicit quod considerandum est si sint ad invicem comparabilia, similiter vel secundum magis, tunc sunt non aequivoca. Si vero non sint comparabilia, tunc sunt aequivoca, sicud album [Maurer; argumentum MS] in voce non comparatur ad album [Maurer; argumentum MS] in colore, et ideo dicuntur aequivoce alba.”

²¹ Ibid.: “Sed Deus et creatura comparantur secundum sapientiam, nam Deus est magis sapiens quam creatura, nam quidquid convenit causae aequivocae formaliter et effectui formaliter per prius et posterius convenit causae quam effectui. Hoc patet per Aristotelem primo *Posteriorum*: ‘Omne illud propter quod et illud magis.’ Item, 2 *Metaphysicae*: ‘Quapropter semper existentium principia sunt maxime vera,’ quia ipsa sunt causa aliis ut sint vera.”

²² Ibid., n. 16: “Est ergo antecedens primum verum: quod illud quod convenit Deo formaliter et creaturis non dicitur aequivoce, quia comparatio potest esse secundum id commune, ut iam patet.”

²³ Ibid., n. 17: “Modo probo consequiam quod, scilicet, univoce si non aequivoce. Ista consequentia probatur per Aristotelem ibidem primo *Topicorum*. Probat enim quod illa quae non sunt comparabilia dicuntur aequivoce per hoc medium: ‘Omne enim univocum comparabile est aut similiter aut secundum magis.’ Ista consequentia nichil valeret nisi per hoc medium, quod non dicitur univoce dicitur aequivoce, et e contrario. Quia enim omne univocum est comparabile, secundum Aristotelem, ideo quod non est comparabile non est univocum, et ideo ar-

And so from (B) and (C), he holds that

(D) If F is said of *a* and of *b*, and *a* and *b* can be compared with respect to F, then F is said of *a* and *b* univocally.

An objection is raised against Harclay's position:

One might answer this by allowing that there must be a third concept by means of which comparisons are made, but this is not univocally predicated of God and other things, inasmuch as it pertains in a prior fashion more to one than to the other. What pertains univocally to things pertains equally, not according to priority and posteriority.²⁴

Harclay responds that an order of more or less does not prevent univocity, and he again appeals to Aristotle's *Topics*: "Univocals are comparable, either having some attribute to an equal degree or one having more than the other."²⁵ What, then, of analogy? For Harclay, given his interpretation of Aristotle in (A) through (D), analogy is a form of univocity: "If you wish to extend univocity to include analogy, this can be admitted. If you call what is univocal 'analogous,' it is not contradictory. But Aristotle speaks of univocity, not analogy."²⁶

In fact, he asserts that the controversy between the champions of analogy and those of univocity is merely verbal.²⁷ For him there is a large and narrow

guit quod est aequivocum." He also argues in this way in the second part of the question, arguing for a concept common and univocally predicable of substance and accident (*ibid.*, n. 83): "Praeterea, 3º pro opinione: ens non dicitur aequivoce de substantia et de accidente, ergo univoce. Antecedens verum, ergo consequens. Antecedens probatur per Aristotelem 4 *Metaphysicae*, capitulo 2. Dicit enim sic: 'Ens dicitur multis modis et non aequivoce.' Probatio consequentiae per eundem primo *Topicorum*. Arguit enim sic: quia illud quod non est comparabile non est univocum, ideo sequitur quod est aequivocum. Illud non valeret nisi inter univocum et aequivocum non esset medium."

²⁴ *Ibid.*, n. 25: "Dicetur forte huic: Concedo quod necesse est esse unum conceptum tertium respectu cuius comparatio, tamen ille non dicitur univoce de Deo et aliis pro eo quod per prius convenit uni quam alteri. Illud autem quod univoce convenit aliquibus, aequaliter convenit et non per prius et posterius."

²⁵ *Ibid.*, n. 26: "Contra: ostendo quod ordo per prius et posterius non impedit univocationem. Primo quia tunc calidum non conveniret univoce igni et ligno, quia prius convenit uni quam alteri, quod est contra Aristotelem 2 *Metaphysicae* ut dictum est. Item et hoc est contra Aristotelem primo *Topicorum* ut dictum est. Dicit enim ibi quod 'omne univocum est comparabile similiter et secundum magis'; ergo non repugnat univoco comparatio secundum prius et posterius".

²⁶ *Ibid.*, n. 17: "Si diceretur quod extendit univocum ad analogum, concedo. Si tu vocas analogum univocum, non est contradicatio; de univoco loquitur Aristoteles, de analogo non."

²⁷ *Ibid.*, n. 28: "Dico ergo quod non est nisi controversia in verbis, ut videtur. Nam dicentes quod sapientia non dicitur univoce de Deo et creaturis sed analogice, pro eo quod prius de uno quam de alio, considerant univocationem stricte acceptam; illi autem qui dicunt quod univoce accipiunt univocationem secundum suum extensem significatum."

concept of univocity, coming from two branches of the philosophical tradition. There is a narrow concept that he ascribes to Algazel, who requires three conditions for univocity: there must be neither priority nor posteriority, neither more nor less, and no mediation to one through another.²⁸ Others, as Aristotle and Averroes, give univocity a much broader sense, allowing it to include what is compared as more and less, as seen in Aristotle's *Topics* and *Metaphysics*. Harclay concludes: "And so that all these authorities might agree, there must be different degrees of univocity. Algazel takes it according to its popular meaning; other, greater writers, as such Aristotle, give univocity a much broader sense."²⁹ And it is evident that Harclay sides with the "greater writers," Aristotle and Averroes.

In another place in his question, Harclay further clarifies his thinking on univocity and equivocality and how they both differ from synonymy.

... synonymous names are given in order to signify not only the same thing, but also the same concept, that is, the thing according to a single concept. . . . So synonyms are entirely contrary to equivocal terms, while univocal terms are a mean between them and share something of each of them. For equivocal and univocal terms agree inasmuch as they share a unity of word, but they differ inasmuch as equivocal terms do not share the same definition, as univocal terms do. Synonyms lie at the opposite extreme to equivocals, for they agree in nothing. Synonyms have the same definition, and in this they agree with univocal and differ from equivocal terms. Further, they have different words, and in this they differ from both univocal and equivocal terms.³⁰

Harclay gives a series of arguments based on various authorities; most of these arguments assume that if two things are comparable, a common concept is necessary: with only a concept proper to *a* and one proper to *b*, we cannot make real comparisons between *a* and *b*.³¹

²⁸ Ibid., n. 29: "Ecce quod omnes istae tres condiciones requiruntur ad univocationem secundum eum: quod non prius et posterius, quod non magis aut minus, quod non uni mediante altero."

²⁹ Ibid.: "Ergo ut concordent auctores necesse est quod univocatio habeat gradus. Et Algazel accipit eam secundum suam famosam significationem, sed alii auctores maiores, puta Aristoteles, accipit univocationem alio modo magis large."

³⁰ Ibid., n. 60: ". . . dico quod nomina sinonima imponuntur ad significandam non solum eandem rem sed eundem conceptum, hoc est, rem secundum unum conceptum. . . . Ita sunt contraria aequivocis ex toto; univoca sunt media inter illa, aliquid participant de uno aliiquid de altero. Nam aequivoca et univoca convenient in hoc quod habent unitatem vocis, sed differunt in hoc quod [aequivoca] non habent circa eandem diffinitionem sicud univoca. Synonyma tenent extreum contra aequivoca nam in nullo concordant. Habent synonyma eandem diffinitionem in quo concordant cum univocis et discrepant ab aequivocis. Item habent diversas voces in quo discrepant ab utroque, univocis et aequivocis"; see also ibid., nn. 91–93 and 99–100 for more on equivocals.

³¹ Ibid., nn. 20 ff.

The length to which Harclay relies on this assumption is seen in an argument based on St. John Damascene, who writes, “The substance that supersubstantially contains the uncreated Godhead and contains each creature in knowledge and by sustaining is the most general of all genera.”³² According to Harclay, then, “substance” is the most general of all genera and is common to God and creatures, by which he does not mean that God is properly speaking in the genus of substance, but rather that the intention or concept of “substance” is univocal to God and creatures. God certainly is beyond all categories, but there is a sense of “substance” that is common both to categorical substances and to what is beyond all genera. As we can form a concept that abstracts from the limitations of the category of quality, as “wisdom,” so we can form a concept that abstracts from the limitations of categorical substance and “is common to God and creatures.” To say that “substance” contains God supersubstantially is to say that it contains God “in an unlimited mode above genus” (*modo illimitato super genus*). Harclay does not elaborate on what he means by unlimited mode, but what is conspicuously absent here is any mention of Scotus’s doctrine of intrinsic modes, crucial to his doctrine of the univocal concept of being. This, we shall see, is not the only Scotist doctrine Harclay abandoned as he developed his own approach to univocity.

Finally, Harclay’s dependence on Scotus is seen also in the second part of his question, on substance and accident. He employs one of Scotus’s prime arguments for the univocal concept of being, referred to by Scotus’s contemporaries as the “Achilles” of his position.³³ The Subtle Doctor had argued:

And understanding univocation in this sense, I prove it first thus: Every intellect that is certain about one concept and dubious about others has the concept about which it is certain as other than the dubious concepts. The subject [of this proposition] includes the predicate. But the intellect of a person in this life can be certain that God is a being while doubting whether this being is finite or infinite, created or uncreated; therefore the concept of God as a being is other than this or that concept; and although included in each of these, it is none of them of itself, and therefore it is univocal.³⁴

³² Ibid., n. 19: “Praeterea, 6º, Damascenus in *Elementario*, capitulo 8, ‘De genere et specie,’ dicit quod ‘substantia quae continet supersubstantialiter increatam deitatem, cognoscibiliter autem et contentive omnem creaturam, genus generalissimum est.’ Ergo substantia communis est Deo et creaturis. Nec tamen intelligit Damascenus quod Deus proprie sit in genere, sed quod intentio substantiae in communi extendatur ad Deum et creaturam. Et hoc intelligit cum dicit quod continet Deum supersubstantialiter, nam hoc est continere modo illimitato supra genus. Est ergo substantia communis substantiae quae est in genere et quae est supra omne genus.”

³³ Dumont, “Henry of Ghent and Duns Scotus,” 308.

³⁴ Scotus, *Ord.* I, d. 3, pars 1, q. 1–2, nn. 27–30 (Vat. 3:18–20). I use the translation of W. Frank and A. B. Wolter, *Duns Scotus, Metaphysician*, Purdue University Press Series in the History of Philosophy (West Lafayette, Ind., 1995), 108–9.

When he takes up the univocal concept of being in the context of substance and accident, Harclay makes this his first argument:

Against this way of speaking, I shall prove that in its primary meaning being signifies neither substance nor accident, but something common, i.e., only a concept. My proof: if the concept of being predicated of a substance and the concept of substance were not distinct, it would be impossible for an intellect to know that something is a being and not to know that it is a substance. This is a false consequent. Proof of the implication: the same concept cannot by the same intellect be both known and not known, or known distinctly and not distinctly, or perceived and not perceived. The falseness of the consequent limb is clear, for many people know that the powers of the soul are beings, but do not know whether they are accidents.³⁵

Harclay admits this is an old argument, and, like Scotus, appeals to the philosophers of the past for instances of thinkers illustrating the point.³⁶

HARCLAY'S CONCEPTUALISM

In his Ordinary Question XII, then, Harclay follows Scotus in arguing for a concept of being predicable univocally of God and creatures, and he adopts a number of the Subtle Doctor's arguments. In particular, Harclay has argued that we can form a concept common to God and creatures on the basis of which comparisons of more and less can be made, even if there is no thing in reality common to God and creatures that they share. In technical terms, God and creatures are not merely different, but primarily diverse. Two things are different when there is some real common factor that combines with another factor distinguishing them. Two things are primarily diverse when there is no such real common factor. God and creatures, as primarily diverse, have no such common reality that they share. Such a position joined with the doctrine of the univocal concept of being invites an objection, formulated clearly by Henry of Ghent much earlier:³⁷

³⁵ Henry of Harclay, *Quaest. Ord.* XII, n. 76: "Contra istum modum dicendi, probo quod ens non significat sua prima significatione substantiam nec accidens sed aliquid commune, puta conceptum saltim. Probatio: nam si conceptus entis dicti de substantia et conceptus substantiae non essent distincti, impossibile esset intellectum cognoscere quod sit ens et non cognoscere quod sit substantia; consequens falsum. Probatio consequentiae: idem conceptus non potest esse eidem intellectui notus et ignotus vel distincte notus et non distincte vel perceptus et non perceptus. Falsitas consequentis patet quia multi sciunt quod potentiae animae sunt entes et ignorant utrum sint accidentia."

³⁶ Ibid., nn. 77–80.

³⁷ Dumont, "Henry of Ghent and Duns Scotus," 301.

a common concept is founded on some thing, or it will be an empty concept. If, therefore, we grant a common concept, we grant also a common thing. Now, since there is no thing common to God and his creatures, it follows that there will be no common concept.³⁸

This is a succinct formulation of “the most formidable difficulty for Scotus’s doctrine of univocity: how to sustain a real concept univocally common to God and creatures without positing any reality common to them.”³⁹ Scotus himself had been aware of the centrality of this difficulty to his newly-introduced doctrine of univocity and formulates it clearly: “God and creatures are wholly diverse in reality, agreeing in no reality . . . and nevertheless agree in one concept.”⁴⁰ In responding, Harclay departs radically from Scotus, specifically rejecting the metaphysics Scotus had appealed to in his theory of the univocal concept of being. To appreciate, then, how Harclay differs from Scotus and how he substitutes a form of conceptualism for Scotus’s realism, it is necessary to review, however briefly, Scotus’s own answer to this objection.⁴¹

THE UNIVOCAL CONCEPT OF BEING DEFENDED: SCOTUS’S REALISM

Scotus discusses the univocal concept of being in three separate but related contexts in his commentaries on the *Sentences*: our natural knowledge of God, the human intellect’s primary object, and divine simplicity.⁴² For our

³⁸ Henry of Harclay, *Quaest. Ord.* XII, n. 41: “Praeterea, contra istam opinionem arguant alii primo sic: communis conceptus fundatur super aliquam rem, alioquin esset conceptus vanus. Ergo si sit dare conceptum communem, est dare rem communem; cum ergo nulla res sit communis Deo et creaturis eius, sequitur etiam quod nullus conceptus erit communis.” See Henry of Ghent, *Summa quaestionum ordinariarum*, a. 21, q. 2 (Paris, 1520; rpt. St. Bonaventure, N.Y., 1953), 1:123v.

³⁹ Dumont, “Henry of Ghent and Duns Scotus,” 300.

⁴⁰ Scotus, *Lectura I*, d. 8, pars 1, q. 3, n. 129 (Vat. 17:46): “Deus et creatura realiter sunt primo diversa, in nulla realitate convenientia . . . et tamen convenient in uno conceptu.”

⁴¹ The centrality of this objection is seen in a recent article that uses it as an organizational principle of much of its discussion of Scotus’s metaphysics. See P. King, “Scotus on Metaphysics,” in *The Cambridge Companion to Duns Scotus*, ed. T. Williams (Cambridge, 2003), 21 and passim. The bibliography in the notes of King’s article provides a good introduction to the literature.

⁴² For recent contributions on Scotus’s notion of univocity, see the articles in L. Honnefelder, R. Wood, and M. Dreyer, eds., *John Duns Scotus: Metaphysics and Ethics*, Studien und Texte zur Geistesgeschichte des Mittelalters (Leiden, New York, and Cologne, 1996), 291–412; O. Boulnois, *Jean Duns Scot: Sur la connaissance de Dieu et l’univocité de l’être* (Paris, 1988); S. Dumont, “Transcendental Being: Scotus and Scotists,” *Topoi* 11 (1992): 135–48; S. P. Marrone, “The Notion of Univocity in Duns Scotus’s Early Works,” *Franciscan Studies* 43 (1983): 347–95; Cross, *Duns Scotus*, 33–39, and *Duns Scotus on God*, Ashgate Studies in the History of Philosophical Theology (Hants, England and Burlington, Vermont, 2005), 249–

limited purposes, it is helpful to confine ourselves to the latter as much as possible, i.e., to his question 3 of distinction 8 of book I of the *Ordinatio*, where he asks whether the simplicity of God is compatible with God, or anything formally predicate of God, being in a genus. For since “being” be-speaks a concept common to God and creatures, as Scotus holds, if it is to become a concept proper to God (predicable only of God and not of creatures), it must be determined further, and this, the objector proposes, will be by some concept that qualifies it, as the concept of a difference qualifies the concept of a genus.⁴³ Scotus responds that the simplicity of God is compatible with some concept common to God and creatures, but this should not be thought of as a concept of a genus that is determined by the concept of a specific difference.⁴⁴

For Scotus, a genus is an extramental thing that is contracted by the addition of a difference which is a reality other than the genus, a positive perfection or formality that enters into composition with the genus, as what is in act enters into composition with what is potential. Both the genus and specific difference are extra-mental and enter into composition, being formally distinct. Hence the genus is contracted and perfected by something positive, a formal perfection extrinsic to it.

The case is different with being and other transcendentals.⁴⁵ His definitive explanation of the non-generic character of being, found, for example, in his *Lectura* and *Ordinatio*, is that being is not contracted to God and creatures, or to the various categories, by any positive reality or formal perfection extrinsic to it, as in the case of a genus, but rather is qualified by intrinsic modes or degrees of perfection, as, for example, it is contracted to God and creatures by the intrinsic modes of infinity and finitude.⁴⁶ The distinction involved, then, is not that between realities or formalities but is a lesser distinction between a reality and its intrinsic mode.⁴⁷ Regarding the transcendentals that are essen-

59; and S. Dumont, “The Univocity of the Concept of Being in the Fourteenth Century: John Duns Scotus and William Alnwick,” *Mediaeval Studies* 49 (1987): 1–75.

⁴³ Scotus, *Ord.* I, d. 8, pars 1, q. 3, n. 39 (Vat. 4:169).

⁴⁴ Ibid., n. 95 (Vat. 4:198): “Teneo opinionem medium, quod cum simplicitate Dei stat quod aliquis conceptus sit communis sibi et creaturae, – non tamen aliquis conceptus communis ut generis. . . .”

⁴⁵ Still of immense help and fundamental is A. B. Wolter, *The Transcendentals and Their Function in the Metaphysics of Duns Scotus* (St. Bonaventure, N.Y., 1946); see also King, “Scotus on Metaphysics,” 18–28; and Dumont, “Henry of Ghent and Duns Scotus,” 307–22.

⁴⁶ Scotus, *Ord.* I, d. 3, pars 1, q. 3, n. 157 (Vat. 3:95); Scotus does not respond to this objection, see 103, note 8. See also *Ord.* I, d. 8, pars 1, q. 3, nn. 39, 136 (Vat. 4:169, 221); *Lect.* I, d. 3, pars 1, q. 1–2, nn. 109, 123 (Vat. 16:265, 272).

⁴⁷ One should also mention that in his *Quaestiones super De anima* he gives another explanation: the model for being as contracted to its inferiors is not that of a genus to a species

tial attributes of God, Scotus argues in distinction 8 that they are not genera: genera have the *ratio* of being potential and perfectible, but nothing infinite has these characteristics, i.e., it is in potential to no thing and not perfectible by anything.⁴⁸ A genus, as animal, on the other hand, is perfectible by and potential to the specific difference, a positive perfection. A human and a donkey share the real common nature, the genus of animality, the extra-mental basis of the concept they share, “animal,” the genus being perfectible by the specific differences, rational and irrational. God and creatures, however, do not share any such nature or positive perfection in common, since the one is a being of an infinite mode and the other is a being of a finite mode.⁴⁹ But whatever is in God is infinite and whatever is in creatures is finite; no thing can be finite and infinite at the same time and in the same respect. So they have no reality in common; they are primarily diverse.

Hence, Scotus holds that unlike a specific difference with regard to a genus, in the case of the transcendentals, “these contracting concepts bespeak an intrinsic mode of what is contracted, and not any reality perfecting it [i.e., being].”⁵⁰ The disjunctive transcendentals infinite and finite are intrinsic modes that qualify the being of God and creatures respectively, and it is precisely because we can form a concept prescinding from these modes that we can have concepts univocal to God and creatures. As Scotus had explained in distinction 3,

The manner in which every metaphysical inquiry about God proceeds is by considering the formal notion of something and taking away from that formal notion the imperfection that it has in creatures while retaining that formal meaning and completely attributing to it the highest perfection, and thus ascribing it to God. For example, take the formal notion of wisdom (or of the intellect) or of the will: it may be considered in itself and without qualification; and from the fact that this notion implies no imperfection or limitation,

but rather that of a *species specialissima* to its individuals; see John Duns Scotus, *Quaestiones super Secundum et Tertium De anima*, q. 21, no. 35 (ed. C. Bazán, K. Emery, R. Green, T. Noone, R. Plevano, A. Traver, B. *Ioannis Duns Scoti Opera Philosophica*, vol. 5 (Washington, D.C. and St. Bonaventure, N.Y., 2006), 223. Stephen Dumont has shown the difficulties of this theory on Scotus’s own principles and raises the possibility that it may be authored by a *scotellus*, perhaps Antonius Andreas; see “Univocity of the Concept of Being” (as in n. 42 above), 10–15. But Scotus’s final position on the non-generic character of being is that of being and its intrinsic modes. Hence infinite and finite is not another positive reality added to being, but an intrinsic mode, modifying that being.

⁴⁸ Scotus, *Ord. I*, d. 8, pars 1, q. 3, nn. 95–112 (Vat. 4:198–205).

⁴⁹ *Ibid.*, nn. 102, 107 (Vat. 4:200, 202).

⁵⁰ Scotus, *Ord. I*, d. 8, pars 1, q. 3, n. 136 (Vat. 4:221): “. . . isti conceptus contrahentes dicunt modum intrinsecum ipsius contracti, et non aliquam realitatem perficientem illum. . . .”

the imperfections that accompany it in creatures are removed from it; and, keeping the same meaning of wisdom and of will, these are attributed to God in a most perfect way. Therefore, every inquiry about God presupposes that the intellect has the same univocal concept that it received from creatures.⁵¹

Hence we first consider a creaturely perfection, for example, wisdom, and as limited by its creaturely mode: as wisdom exists in creatures, it is a quality, and as such it is limited and finite; there corresponds to this reality a complex concept. We can abstract from these limitations and form the simple concept “wisdom,” of itself indifferent to being limited or unlimited, finite or infinite. Scotus insists that this concept, common to God and creatures, is imperfect, needs to be determined, for it is indifferent to finite and infinite, neither including them nor positively excluding them. Scotus claims that this common concept is not adequate to the reality it is about, as is the proper concept.⁵² Hence, we form another complex concept by adding the notion of infinity to that of wisdom, forming a concept proper to God. Thus, Scotus argues that the concept that we are able to form of God in this life is a complex concept.

It is evident that supporting Scotus’s notion of the univocal concept of being are a number of distinctive and innovative features of his metaphysics: his doctrine of transcendentals, the grades of unity, intrinsic modes and the accompanying modal distinction, less than formal or real, along with his distinction of simple and complex concepts. In short, his complex and realist metaphysics allows him to defend the position that without any real community between primarily diverse God and creatures we can form a concept common to them.

It is with this metaphysics that he clearly answers the objection in his distinction 8, the same objection that will be posed to Harclay in his Ordinary Question XII:

But here is one doubt, how a concept common to God and creatures can be taken as “real” unless from some reality of the same type.⁵³

⁵¹ Scotus, *Ord. I*, d. 3, pars 1, q. 1–2, n. 39 (Vat. 3:26–27). The English translation is from Frank and Wolter, *Duns Scotus, Metaphysician*, 115.

⁵² Scotus, *Ord. I*, d. 8, pars 1, q. 3, n. 142 (Vat. 4:224): “Sed si arguas ‘ergo realitas a qua accipitur, est finita,’ – non sequitur; non enim accipitur ab aliqua realitate ut conceptus adaequatus realitati illi, sive ut perfectus conceptus illi realitati adaequatus, sed deminutus et imperfectus, in tantum etiam quod si illa realitas, a qua accipitur, videretur perfecte et intuitive, intuens ibi non haberet distincta obiecta formalia, scilicet realitatem et modum, sed idem obiectum formale, – tamen intelligens intellectione abstractiva, propter imperfectionem illius intellectonis, potest habere illud pro obiecto formali licet non habeat alterum.”

⁵³ Scotus, *Ord. I*, d. 8, pars 1, q. 3, n. 137 (Vat. 4:221): “Sed hic est unum dubium, quomodo potest conceptus communis Deo et creaturae ‘realis’ accipi, nisi ab aliqua realitate eiusdem generis. . . .”

Scotus responds:

I respond that when some reality is understood with its intrinsic mode, that concept is not so absolutely simple that that reality cannot be conceived without that mode; but then it is an imperfect concept of that thing. And it is also able to be conceived with its mode, and then it is a perfect concept of that thing. An example: if whiteness would be in the tenth degree of intensity, howevermuch it would be simple in every way in reality, it could be conceived under the aspect of just so much whiteness [i.e., under one particular degree of whiteness], and then it would be perfectly conceived with a concept adequate to that thing. Or it could be conceived precisely under the aspect of whiteness, and then it would be conceived with a concept imperfect and short of the perfection of the thing. But the imperfect concept could be common to this whiteness and that, and the perfect concept proper [to a particular degree of whiteness].⁵⁴

So the perfection and its mode are not so identical that we cannot conceive of the perfection without its mode. The perfection and its mode are modally distinct, a distinction that prevents the common, imperfect concepts from being “empty” as the objection charged. At the same time this assures that the relation between that in reality from which the common concept is taken and that from which the proper concept is taken is other than the relation which holds between a genus and a specific difference. As Scotus concludes,

A distinction is required, therefore, between that from which is taken the common concept [of being] and that from which is taken the proper concept, not as a distinction of reality and reality, but as a distinction of reality and proper and intrinsic mode of the same, which distinction is enough for having a perfect and imperfect concept of the same, the imperfect [concept] being common and the perfect [concept] being proper. But the concept of genus and of difference require a distinction of realities, not just of the same reality perfectly and imperfectly conceived.⁵⁵

⁵⁴ Ibid., n. 138 (Vat. 4:222): “Respondeo quod quando intelligitur aliqua realitas cum modo suo intrinseco, ille conceptus non est ita simpliciter simplex quin possit concipi illa realitas absque modo illo, sed tunc est conceptus imperfectus illius rei; potest etiam concipi sub illo modo, et tunc est conceptus perfectus illius rei. Exemplum: si esset albedo in decimo gradu intensionis, quantumcumque esset simplex omni modo in re, posset tamen concipi sub ratione albedinis tantae, et tunc perfecte conciperetur conceptu adaequato ipsi rei, – vel posset concipi praecise sub ratione albedinis, et tunc conciperetur conceptu imperfecto et deficiente a perfectione rei; conceptus autem imperfectus posset esse communis albedini illi et alii, et conceptus perfectus proprius esset.”

⁵⁵ Ibid., n. 139 (Vat. 4:222–23): “Requiritur ergo distinctio, inter illud a quo accipitur conceptus communis et inter illud a quo accipitur conceptus proprius, non ut distinctio realitatis et realitatis sed ut distinctio realitatis et modi proprii et intrinseci eiusdem, – quae distinctio

THE UNIVOCAL CONCEPT OF BEING DEFENDED: HARCLAY'S CONCEPTUALISM

Let us now compare Harclay's response to the same objection:

My answer is that commonness in reality does not necessarily correspond to commonness of concept. From the same entirely simple thing are taken a common and confused or non-differing concept, and a distinctive and more particular concept. When my opponent says that a concept is founded on a thing, I can only understand this as meaning that a concept is taken or formed from a thing or is a concept of the thing, but fundamentally it exists in the conceiving intellect. I therefore deny the implication, for it does not follow that distinct things correspond to distinct concepts. Distinction in what is posterior does not argue for distinction in what is prior, nor does distinction in an effect argue for distinction in an equivocal cause. It does not then follow that there is some common thing.⁵⁶

To the opponent's view, then, that a common concept is founded on a common thing, Harclay replies in a series of statements that can be formulated as follows:

- (E) Both indistinct and distinct concepts can be formed from one simple thing.
- (F) It is not the case that distinct things correspond to distinct concepts.
In support of (F), he argues that
- (G) If *b* is posterior to *a*, and there is a distinction in *b*, it does not follow that there is a distinction in *a*, and
- (H) If *b* is an effect of an equivocal cause *a*, it does not follow that if there is a distinction in *b*, there is a distinction in *a*.

sufficit ad habendum conceptum perfectum vel imperfectum de eodem, quorum imperfectus sit communis et perfectus sit proprius. Sed conceptus generis et differentiae requirunt distinctiōnem realitatum, non tantum eiusdem realitatis perfecte et imperfecte conceptae." See also *ibid.* n. 136 (Vat. 4:221): "... quia iste conceptus 'quiditativus' [i.e., ens] est communis ad finitum et infinitum, quae communitas non potest esse in conceptu generis, – isti conceptus contrahentes [i.e., finitum, infinitum] dicunt modum intrinsecum ipsius contracti [i.e., Deus, creatura], et non aliquam realitatem perficiēt illum [i.e., ens]."

⁵⁶ Henry of Harclay, *Quaest. Ord.* XII, n. 42: "Dico ad illud quod communitati conceptus non necessario correspondet communitas in re, sed ab eadem re simplici omnino accipitur conceptus communis et confusus vel non differens et conceptus distinctivus et magis particularis. Et cum dicit conceptus fundatur super rem, dico quod hoc est sic intelligendum quod conceptus accipitur vel formatur a re vel est conceptus rei, tamen fundamentaliter est in intellectu concipiēt. Et tunc nego consequentiam, quia non sequitur quod distinctis conceptibus distinctae res corresponeant, quia distinctio in posteriori non arguit distinctionem in priori, nec distinctio in effectu arguit distinctionem in causa aequivoca. Ideo non sequitur quod aliqua sit communis res."

What is noteworthy in Harclay's response is that he does not rely on a doctrine of transcendentals, nor on any distinction, whether formal or modal, among extra-mental formalities or modes; he speaks only of distinction *tout court*. Furthermore, he makes no mention of the difference between simple and complex concepts but only talks of the intellect's ability to conceive one simple thing distinctly or confusedly.

These points are borne out in Harclay's response to an objection raised concerning God's simplicity, the very context of Scotus's *Ordinatio I*, d. 8, pars 1, q. 3 that we have examined:

- (1) It is impossible that a simple thing be like and unlike some other thing.
- (2) If, then, a simple God is like creatures in one thing [e.g., wisdom] and is unlike creatures [e.g., infinite wisdom], he cannot be like and unlike by the same thing.
- (3) Therefore, he is like creatures on the basis of one thing and unlike creatures on the basis of another.
- (4) This, however, is opposed to God's simplicity.
- (5) [Therefore God is not both like and unlike creatures, but rather only unlike creatures.]⁵⁷

To support (1), the opponent argues that as two contrary absolute forms cannot inhere in the same thing at the same time, as whiteness and blackness, so two contrary relative forms (say, being taller than Socrates and being shorter than Socrates) cannot inhere in the same thing at the same time. But being like and unlike something in the same respect (as, in our case, wisdom) are two contrary relative forms. Hence (1), it is impossible that a simple thing be like and unlike some other thing.

Harclay responds: "In answering this argument, I admit that God and a creature agree on the basis of one thing and are distinguished on the basis of another, but on the basis of one and another concept, not one and another thing."⁵⁸ To support this, he appeals to (E) above, both indistinct and distinct

⁵⁷ Ibid., n. 45: "Arguit sic: impossibile est quod ab eodem simplici accipiatur convenientia et distinctio respectu eiusdem. Ista est quasi primum principium. Sicut duae formae absolutae contrariae, puta albedo et nigredo, non possunt inesse eidem simul nec simpliciter nec respectivo (nam idem non potest esse album et nigrum nec etiam respectu diversorum nec etiam respectu eiusdem), ita duae formae respectivae contrariae sunt impossibilis in eodem respectu eiusdem. Unde impossibile est esse idem simile et dissimile alicui secundum idem. Sed convenientia et distinctio sunt formae respectivae contrariae, ergo et cetera. Maior ergo vera. Ergo si Deus convenit cum creatura in aliquo et distinguitur ab illa, non potest eidem convenire et distingui, ergo alio et alio convenit et distinguitur. Hoc autem repugnat simplicitati divinae, ergo et cetera."

⁵⁸ Ibid., n. 46: "... concedo quod alio et alio convenient et distinguuntur Deus et creatura, sed alio et alio conceptu, non alia et alia re."

concepts can be formed from one simple thing:

Distinct concepts, you see, can be taken from the same simple thing, and by one of the concepts that simple thing can agree with another thing, since that concept is indifferent and does not distinguish one thing from another, while with another concept formed from the same thing, the intellect can distinguish one thing from another.⁵⁹

He shifts the discussion from talking of two contrary relative forms in things to talking about the relations of likeness and unlikeness of extra-mental things as relativized to concepts: *a* is like *b* under the concept of F and unlike *b* under the concept of G:

To turn now to the form of the argument, I declare that the same simple thing does in fact agree with and is distinguished from [another thing] by the same reality, but since in reality it does not agree with the other thing formally, but in the concept formed from the thing, therefore it is not agreeing and being distinguished formally by the same reality.⁶⁰

The opponent had asserted in the first premise that if *a* is simple, it cannot agree with and be distinguished from *b* by the same reality. Harclay agrees that it is impossible that *a* agree and be distinguished from *b* by the same reality taken formally, i.e., as existing in reality; hence he claims that “therefore it is not agreeing and being distinguished formally by the same reality.” But he asserts that it can agree with *b* (in a concept formed from that reality) and be distinguished from *b* formally. As Maurer says rightly, the relation of agreement formally belongs to the concept and not to the thing.⁶¹ So in the case at hand, the two realities, God and creatures, are formally unlike, but in the concept (of “being”) are like.

Notice further that he insists that the concept is “formed from the thing.”⁶² The common concept, for Harclay, is not “empty,” since it is founded on the simple thing, taken or formed from the thing. But he emphasizes that the concept, and hence the relation of agreement between the two realities, exists “in the conceiving intellect.” Hence, his understanding of the first premise is that the simple thing by the same reality is unlike the other thing, taking “the same reality” formally, in reality; but it is like the other thing by the same reality,

⁵⁹ Ibid.: “Nam ab eadem re simplici possunt haberi distincti conceptus, quorum uno potest convenire cum alia re quia ille conceptus indifferens est et non distinctivus unius rei ab alia, et alio conceptu formato ab eadem re potest intellectus distinguere rem unam ab alia.”

⁶⁰ Ibid.: “Et tunc ad formam [argumenti], dico quod eodem a parte rei convenit et distinguitur, sed quia re non convenit formaliter sed in conceptu formato a re, ideo non eodem formaliter convenit et distinguitur.”

⁶¹ Maurer, “Harclay’s Question on Univocity of Being,” 217.

⁶² See n. 56 above.

taking “the same reality” as that which founds the concept common to both. In the case at hand, God, being infinite being, is unlike creatures formally, but is like creatures only in that the intellect can conceive of one common concept univocally predicable of God and creatures.

Harclay presents authoritative texts and three arguments to support his key claim that “the intellect can indeed form such distinct concepts from one simple thing in the extreme of simplicity (*in fine simplicitatis*).”⁶³ The authoritative texts, notably Peter Lombard, show that from the various effects of God in creation we can come to know God, “one simple substance,” for “these perfections, however, are in God one simple perfection.”⁶⁴ For Harclay, here, as elsewhere in his *Ordinary Questions*, there is no hint that there is either a formal or intentional distinction to be found among the divine essential attributes: God is absolutely simple.

His first argument is as follows:

When our intellect conceives an object under some aspect, it is not necessary that in its first intuition it conceive it under that aspect in the most perfect way possible for the intellect to conceive it. Our intellect, you see, with respect to any intelligible thing whatever and under any aspect whatever, is predisposed to move from a confused cognition to a more distinct one. And so it can have at first a confused cognition and later on a distinct one of the same object under the same aspect considered from the side of the object. A confused concept and a distinct one, however, are not the same. It is therefore certain that, whilst preserving the unity of the object and of any aspect whatever on the part of the object, there can be different concepts of it.⁶⁵

As he had argued earlier, (E) “Both indistinct and distinct concepts can be formed from one simple thing.” And here it is clear that one aspect, one *ratio*, can give rise to distinct concepts. And from (F) “It is not the case that distinct things correspond to distinct concepts,” it is clear that distinct *rations* in the

⁶³ Henry of Harclay, *Quaest. Ord.* XII, n. 47: “Modo primo probo illud, quod ab una re simplici in fine simplicitatis [Maurer; simpliciter MS] potest intellectus formare tales distinctos conceptus.”

⁶⁴ Ibid., n. 49: “Ecce ex diversis effectibus habentur distincti conceptus distinctarum perfectionum quae tamen sunt una simplex perfectio in Deo.”

⁶⁵ Ibid., n. 50: “Secundo, probo idem per rationes primo sic: non est necesse quod intellectus noster, concipiens aliquod obiectum sub aliqua ratione obiecti, concipiat ipsum sub ipsa ratione primo intuitu perfectissimo modo quo possibile est intellectum concipere illud. Nam intellectus noster respectu cuiuscumque intelligibilis et sub quacumque ratione natus est procedere a confusa cognitione ad distinctam. Primo ergo potest habere confusam cognitionem et postea distinctam [Maurer; distincti MS] eiusdem obiecti et sub eadem ratione a parte obiecti. Sed conceptus confusus et distinctus non sunt idem. Certum est ergo, stante unitate obiecti et rationis cuiuscumque a parte obiecti, potest esse diversi conceptus de eo.”

thing do not correspond to distinct concepts of it. He has replaced to a startling degree the formalism of Scotus with his conceptualism.

He makes this abundantly clear:

We can support this argument thus: to conceive of something more distinctly than before is not to conceive more things than before, but to know the same thing in a more perfect manner. For example: supposing there were one uniform and simple degree of whiteness, that degree would be seen more perfectly and distinctly by an eagle than by a bat, just as an eagle would know that object more perfectly than an owl, not because it would know more things in that object or more formal aspects (we have stated that the object is a simple one), but because it knows the same thing in a more perfect way. Another example is the beatific vision. One of the blessed does not see more than another, either of the thing or of a mode of the thing, but one has a more perfect cognition than another.⁶⁶

Instead of relying on formalities to ground our concepts, Harclay only talks of knowing things, in themselves simple, in a more “perfect manner.” In his example of whiteness in a certain degree, he denies there are any “formal aspects” (*formales rationes*), insisting that it is absolutely simple. And against Scotus, who posits here the minimal but real modal distinction, Harclay explicitly rules out positing a mode of the thing (*modum rei*) in his example of the blessed before the simple God.

Harclay’s second argument reinforces his conceptualism:

The second argument to this end: when any effect depends essentially on two causes, if there is a change in one of the causes, even if the other cause is unchanged, there will be a change in the effect. Our concept, however, depends on an object as also on our intellect: “Knowledge is born from them both, the knower and the known,” according to the last chapter of Augustine’s ninth book *On the Trinity*. So, if one of the causes, as it might be the object, remains entirely unchanged, another concept will be caused on account of a changed disposition in the intellect knowing. This is what we sought to prove.⁶⁷

⁶⁶ Ibid., n. 51: “Confirmatur hoc argumentum: nam distinctius concipere quam prius non est plura concipere quam prius sed idem tamen modo perfectiori cognoscendi. Verbi gratia, si esset unus gradus albedinis indissimilis et simplex, ille gradus perfectius videretur ab aquila et distinctius quam a vespertilio, ita quod aquila perfectius cognosceret illud obiectum quam noctua, non quia plura cognosceret in obiecto nec formales rationes plures (quia obiectum simplex est suppono), sed quia idem perfectius. Exemplum etiam patet in visione beata, nam non videt plus unus quam aliis, nec rem nec modum rei, tamen perfectiorem cognitionem habet unus quam aliis.”

⁶⁷ Ibid., n. 52: “2^a ratio ad idem: quando aliquis effectus essentialiter dependet ex duabus causis, facta variatione in altera illarum causarum etiam alia non variata, sequetur tamen varatio effectus. Sed conceptus noster dependet ab obiecto similiter et ab intellectu; ‘ab utroque enim paritur notitia, cognoscente et cognito,’ secundum Augustinum 9 *De Trinitate*, capitulo

What is surprising about this argument is that Harclay is applying these principles universally, to “any intelligible object whatever and under any aspect,” as he had said earlier,⁶⁸ and does not restrict their scope to a part of reality. Scotus had claimed that an infinite object can be understood imperfectly moving the intellect to form the imperfect concept “being,” as also a finite object can do the same, “and so it [the concept of ‘being’] is common to each. . . .”⁶⁹ Thus it is possible to form a common concept with no shared common reality, but only in the limited area of the transcendentals. When it comes to forming common univocal concepts of genera and species, Scotus will rely on his doctrine of common nature, a formality, a real constituent of the really existing individuals. Harclay, on the other hand, in this Ordinary Question XII, presents his epistemological principles, specifically (E) through (H), as having universal scope, and in fact he applies them in an uncompromising way in his own discussion of universals to genera and species in his Ordinary Question XIV.⁷⁰

Harclay’s third argument for his conceptualism proceeds by examples exhibiting incrementally an increase in ontological parsimony:

The third argument: when a single agent contains within itself in a complete way distinct forms that are principles of distinct operations, it is capable of distinct operations by means of those forms as perfectly as could distinct agents if they had those forms. This is clear, for the same milk can affect taste by its sweetness and sight by its whiteness, which are distinct operations, just

ultimo. Ergo altera causa puta obiecto omnino non variato, propter variam dispositionem in intellectu cognoscente erit conceptus alius causatus; et hoc est propositum.”

⁶⁸ See above, note 65.

⁶⁹ Scotus *Ord. I*, d. 8, pars 1, q. 3, n. 143 (Vat. 4:225): “Ultima consequentia est neganda, quia res infinita imperfecte intelligitur in obiecto formaliter finito, pro quanto illud obiectum infinitum natum esset facere in intellectu tale obiectum formale, si deminute moveret, sicut et obiectum creatum deminute movens natum est idem facere; et ideo est commune utriusque, quasi similitudo communis et imperfecta.”

⁷⁰ This is clear from an examination of his lengthy *Ordinary Question XIV*, “Utrum universale significet aliquam rem extra animam aliam a singulari vel supposito.” See M. Henninger, “Henry of Harclay on Universals,” in *Documenti e studi sulla tradizione filosofica medievale* (forthcoming 2007); J. Kraus, “Die Universalienlehre des Oxfordener Kanzlers Heinrich von Harclay und Ihre Mittelstellung Zwischen Skotistischem Realismus und Ockhamistischem Nominalismus,” *Divus Thomas* 10 (1932): 36–58, 475–508, and 11 (1933): 76–96, 288–314; G. Gál, “Henricus de Harclay: Quaestio de Significato Conceptus Universalis,” *Franciscan Studies* 31 (1971): 178–85; M. Adams, “Universals in the Early Fourteenth Century,” in *The Cambridge History of Later Medieval Philosophy*, ed. N. Kretzmann et al. (Cambridge, 1982), 411–39; and M. Henninger, “Henry of Harclay,” in *Individuation in Scholasticism: The Later Middle Ages and the Counter-Reformation, 1150–1650*, ed. J. J. E. Gracia (Albany, 1994), 333–46.

as perfectly as distinct subjects would cause by those forms, were they to have them.⁷¹

Effects produced by two agents equally can be produced by one agent with two forms:

In the same way, therefore, if one formally contained whiteness and sweetness as perfectly as one now contains them as in a subject, then one form would be capable of distinct operations, such as affecting the taste and the sight, just as now one subject can by really distinct forms.⁷²

In Harclay's mind-experiment, effects produced by two really distinct forms existing in one agent could equally be produced by one form existing in one agent.

Now the whole distinction at issue here is on the part of the other cause, and it does not matter whether this cooperating cause be the act of a receptive power or that of an active power.⁷³

Harclay continues, here, distinguishing between a principal cause, the milk, for example, and the cooperating cause, the sense power, holding that the distinction is not on the part of the principal cause but on the part of the cooperating cause. And he extends his analysis beyond the sense (receptive) powers to the intellectual (active) powers.

If, therefore, every perfection that in a creature is distinct is contained unitedly and indistinctly in God, but also perfectly and formally, God, as an object, causes by means of one form an act of willing in the will by his goodness and an act of knowing in the intellect by his truth. These acts are distinct because of these powers, not because of their objects. In the same way, one and the same object can cause distinct acts and concepts in one power of a single type, such as in the intellect or in the will, by reason of different dispositions in that power of a single type. For this reason, the will now desires a certain one ob-

⁷¹ Ibid., n. 53: "Praeterea, 3º ad [idem]: quando unum agens continet in se perfecte formas distinctas quae sunt principia distinctarum operationum, potest in distinctas operationes mediatis illis formis ita perfecte sicud possent distincta agentia si haberent illas formas. Patet hic quia ita perfecte potest idem lac immutare gustum per suam dulcedinem et visum per suam albedinem, quae sunt operationes distinctae, sicud facerent distincta supposita per illas formas si haberent illas."

⁷² Ibid.: "Ergo eodem modo si una formaliter contineret albedinem et dulcedinem ita perfecte sicud unum subiective modo continet eas subiectione, ita una forma posset in distinctas operationes, scilicet immutare gustum et visum, sicud modo unum subiectum potest mediante una forma et alia ubi sunt realiter distinctae."

⁷³ Ibid.: "Nam tota distinctio in proposito [est] ex parte alterius causae, puta potentiae receptivae actus vel activae actus sicud concausa, non curo."

ject more fervently than at another time; the same is true of cognitions made by the intellect.⁷⁴

Again, for Harclay, the essential divine attributes, as the will and intellect, are “one form”; no distinction is made between them. As he had said earlier in the question, “These perfections, however, are in God one simple perfection.”⁷⁵ But the main point here is that as God, absolutely simple, can cause different acts of the will and different acts of the intellect in us, so also one simple object can cause distinct acts and concepts in one power, as the intellect, the point to be proved. Harclay contrasts our cognitive life with that of God:

If, however, there were some one power that contained perfectly every cognitive power and its strengths as one object, as the divine being formally contains the objects of these distinct powers, that power, then, with one concept, with one act of understanding, would conceive of all objects in that one object. This power is God’s alone. With him, then, just as truth and goodness are the same, so understanding and willing are the same, and there is one cognition, one concept, an act of willing entirely one, not differentiated into confused and distinct.⁷⁶

God is able to conceive his full being with one act, one cognition, neither confused nor distinct, because of its unlimited power. Our intellect, being limited, conceives of the one simple reality with different concepts, confused and distinct.

Harclay affords us further clarifications by answering various objections to his theory that there can be a concept common to God and creatures while

⁷⁴ Ibid.: “Cum ergo omnis perfectio quae in creatura est alia et alia contineatur in Deo unite et indistincte tamen perfecte et formaliter, Deus in ratione obiecti per unam formam causat actum volendi in voluntate per suam bonitatem et actum cognoscendi in intellectu per suam veritatem; et isti actus sunt distincti propter potentias non propter obiecta. Eodem modo in una potentia unius rationis, puta in intellectu vel in voluntate, potest idem obiectum causare distinctos actus et conceptus propter aliam et aliam dispositionem in potentia unius rationis. Unde eadem voluntas habet ferventius desiderium de uno obiecto nunc quam alias et ita de cognitione a parte intellectus.”

⁷⁵ Ibid., n. 49: “Ecce ex diversis effectibus habentur distincti conceptus distinctarum perfectionum quae tamen sunt una simplex perfectio in Deo.”

⁷⁶ Ibid., n. 53: “Si tamen esset aliqua una potentia quae ita perfecte contineret omnem potentiam cognitivam et vires illarum sicud unum obiectum, puta esse divinum continet formaliter obiecta distinctarum potentiarum, illa potentia una uno conceptu, uno actu intelligendi, conciperet omnia obiecta in illo uno obiecto; et huiusmodi potentia est potentia divina sola. Ideo apud eum sicud idem est verum et bonum ita idem est intelligere et velle, et cognitio una et conceptus unus et actus volendi omnino unus, non variatus secundum confusum et distinctum.”

they share no common reality. The objections all involve the claim that corresponding to a common concept there must be a community *in re*.

One objection states that if there is nothing common to God and creatures except a concept, then “[there is nothing common to God and creatures] if there is no intellect considering or conceiving of them.”⁷⁷ It would seem that Harclay could simply admit this, but he uses this objection to clarify his views:

. . . if no intellect were to consider [God and creatures], it would still be said that there is something common to God and creatures to the extent that God and a creature so agree in reality that any intellect considering them could form one concept of them. For their relation and conformity to each other always remains on their part. On their part, then, there is always commonness and likeness.⁷⁸

God and creatures share no reality, but are similar, which provides a basis for our univocal concepts. In order to understand this reply, one must understand a crucial difference between his theory of real categorical relations and that of Scotus. These can briefly be compared as follows:⁷⁹

Scotus: If R is a real relation, then sentences of the form “*aRb*” are true if and only if (i) *a* and *b* are really distinct extra-mental things, (ii) there is a real foundation in *a* for R to *b*, and (iii) there exists an extra-mental relative thing R inhering in *a* which is really distinct from its foundation.⁸⁰

Henry of Harclay: If R is a real relation, then sentences of the form “*aRb*” are true if and only if (i) *a* and *b* are really distinct extra-mental things, (ii) there is a real foundation in *a* for R to *b*, and (iii) there exists a real relation R, a non-inhering mind-independent condition of *a* toward *b*.⁸¹

As Harclay says in his Ordinary Question XIII, dealing with relations,

⁷⁷ Ibid., n. 55: “. . . tu dicis quod nichil reale extra animam est Deo commune et creaturis, sed tantum conceptus formatus per intellectum. Ergo sequitur quod nullo intellectu considerante vel concipiente, [nihil est commune Deo et creaturis].”

⁷⁸ Ibid., n. 61: “. . . dico quod si nullus intellectus consideraret, aliquid adhuc diceretur esse commune Deo et creaturis pro quanto Deus et creatura tantum convenient ex natura rei, quod intellectus quicunque considerans posset formare unum conceptum de illis, nam habitudo eorum et conformitas ad invicem ex parte illorum semper manet; ideo ex parte illorum semper est communitas et convenientia.”

⁷⁹ What follows applies only to the standard cases of real categorical relations and does not purport to handle the special cases of transcendental relations, so important to Scotus.

⁸⁰ M. Henninger, *Relations: Medieval Theories, 1250–1325* (Oxford and New York, 1989), 68–97.

⁸¹ Ibid., 98–118.

I assert, then, that “relation” signifies only a condition or concurrence or association of this sort. Therefore, a relation posits nothing in its foundation and yet is a thing not made by the intellect. I affirm, further, that when a quality is alone, I call it “whiteness”; when, however, another white thing exists together with it in reality, the same is called “similarity.” And whiteness differs no more from similarity than whiteness, considered absolutely, differs from whiteness when it has a fellow. So, that association is the relation. This is not to say that whiteness and similarity are the same, rather they are basically diverse, for that condition of association and concurrence is of a different nature to whiteness. And I say that a relation has no stronger existence than that concurrence or association. That association posits nothing in a thing, but only names its disposition to some other thing.⁸²

For our purposes, the key difference is that Harclay does not accord a real relation the status of a thing, a *res*, really distinct from its foundation as Scotus does. Nevertheless, it is a mind-independent condition and would obtain whether or not the mind conceives it. In this he differs from Peter Auriol, who has a thoroughly conceptualist theory of relations:

Peter Auriol: If R is a real relation, then sentences of the form “*aRb*” are true if and only if (i) *a* and *b* are really distinct extra-mental things, (ii) there exists an objective apprehension (of intellect or sense) connecting *a* and *b*.⁸³

For Auriol, an intellect or sense apprehending *a* and *b* is required for there to be a real relation obtaining between *a* and *b*:

relation taken formally and directly . . . certainly as such does not have being in things aside from any intellectual and sensitive apprehension, but it has being in the soul objectively, so that in things there are only foundations and terms, and the condition and connection between those [things] is from the cognitive soul.⁸⁴

⁸² Henry of Harclay, *Quaest. Ord.* XIII, “Utrum Dei ad creaturam sit relatio realis,” n. 52: “Modo ego dico quod ‘relatio’ tantum significat huiusmodi habitudinem vel simultatem vel societatem. Ideo relatio in fundamento nichil ponit et tamen est res non facta ab intellectu. Tunc dico quod cum qualitas est sola, voco eam ‘albedinem’; cum autem alia albedo est secum in rerum natura, eadem vocatur ‘similitudo.’ Et non plus differt albedo a similitudine quam differt albedo absolute dicta ab albedine quando habet sociam. Unde societas illa relatio est. Non tamen albedo et similitudo sint eadem, immo primo diversa. Nam illa condicio societatis et simultatis est alterius naturae ab albedine. Et dico quod relatio non habet fortius esse quam habet illa simultas vel societas. Et societas illa nichil ponit in eo sed tantum dicit habitudinem eius ad alterum.”

⁸³ Henninger, *Relations: Medieval Theories, 1250–1325*, 150–73.

⁸⁴ Peter Auriol, *Scriptum super Primum Sententiarum*, d. 30 (Vatican City, Biblioteca Apostolica Vaticana Borghese 329, fol. 321ra–b): “Circa secundum vero considerandum est quod sumendo relationem pro eo quod dicit formaliter et in recto . . . ipsa quidem ut sic non

Harclay's theory of categorical real relations, then, is a *via media* between the strongly-realist theory of Scotus and the thoroughgoing conceptualist theory of Peter Auriol. With this theory, Harclay can answer the objection by claiming that with no intellect considering God and creatures, there would still be "something common," but this is no common *res* or reality, but only a relation of similarity, a relation, which itself is nothing distinct from God and creatures.⁸⁵ Hence the extra-mental basis of the common concept predicable univocally of God and creatures is not any thing, any *res*, other than God and creatures that they share, but rather the same God and creatures which are similar, and would be similar whether or not the intellect conceived them as such. Harclay is clear that it is the way things are in reality that founds the concept:

But the statement "A human being is an animal" would still be true with no intellect to entertain it, for the truth of a statement in the mind depends causally on things, according to Aristotle's chapter "On what is prior" in the *Categories*: the actual thing is the cause of truth in what is said. Because a thing is or is not, is a statement true or false.⁸⁶

I believe the way in which Harclay takes God and creatures to be similar can be explicated by his remarks about God as the cause of creatures where he holds that if *a* is an equivocal cause and *b* is an equivocal effect, then if *F* pertains formally to *a* and *b*, *F* pertains more primarily to *a* than to *b*.⁸⁷ This coheres with his theory of univocity by which (D) "If *F* is said of *a* and of *b*, and *a* and *b* can be compared with respect to *F*, then *F* is said of *a* and *b* univocally."

Another objection is similar to one we have already seen:

- (1) If *a* and *b* are similar and dissimilar, they cannot be so on the basis of the same reality.
- (2) God, however, is distinguished from a creature in reality and also agrees with it in reality.

habet esse in rebus circumscripta omni apprehensione intellectiva et sensitiva, sed habet esse in anima obiective, ita quod in rebus non sunt nisi fundamenta et termini; habitudo vero et conexio inter illa est ab anima cognitiva."

⁸⁵ As he says in his *Ordinary Question XIII* on relations: "Sed relatio Dei ad creaturam nichil aliud est nisi coexistentia eius cum creatura" (Henry of Harclay, *Quaest. Ord. XIII*, n. 66).

⁸⁶ Henry of Harclay, *Quaest. Ord. XII*, n. 61: "Nullo cum intellectu considerante haec esset vera, 'homo est animal,' cuius ratio quia orationis veritas quae est in intellectu causaliter dependet a re, secundum Aristotalem in capitulo 'De priori' in *Post-Praedicamentis*: res est causa veritatis in oratione. In eo enim quod res est vel non est, est oratio vera vel falsa."

⁸⁷ See n. 21 above.

(3) Therefore this must be on the basis of different real things [which violates God's simplicity].⁸⁸

The support given for (2) clearly shows a realist assumption, perhaps intentionally highlighted by Harclay to contrast with his own theory:

. . . if God and a creature did not agree in reality, the intellect could no more form one concept of them [i.e., of God and a creature] than of God, as this example shows. If Socrates and Plato did not agree more in reality than do Socrates and being snub-nosed, it would not be possible for the intellect to make a concept one in species more of Socrates and Plato than of Socrates and being snub-nosed. So if, according to this theory, the intellect forms one concept common and indifferent to God and creatures, it necessarily follows that there be some unity in reality; and thus the argument [made earlier] returns.⁸⁹

Again, the dispute is over the extra-mental foundation for the common concept. Harclay again replies, emphasizing that there is no real unity in reality between God and creatures, though there is a similarity or likeness:

. . . my answer is that necessarily there is, in reality, a likeness between those things from which one concept is formed. It is not necessary, however, that they be more one in reality than other things; indeed, they need not be one in any sense, neither more nor less one. The reason for this is that likeness and unity are primarily diverse, and so a greater likeness never makes for greater unity, even if that likeness grows infinitely, for likeness always supposes a distinction, but unity is opposed to distinction. My opponent claims that when one reduces distinction, one adds somewhat to unity, because by moving away from one contrary one moves toward the other, and that there are many degrees of that distinction which is opposed to unity or identity. But unity opposed to distinction belongs to indivisibles, and so however much the distinction is reduced, whilst we stay within the bounds of distinction, it never acquires anything of unity. For instance, however much we take away from a

⁸⁸ Henry of Harclay, *Quaest. Ord.* XII, n. 56: “. . . impossibile est quod ab eodem in re accipiantur convenientia ex natura rei et distinctio ex natura rei. Nam sicud tu concedis quod ego, conceptu non possunt convenire et differre secundum rationem, nec convenire et differre realiter per idem in re. Sed Deus distinguitur a creatura ex natura rei et convenit cum ea ex natura rei, ergo alia et alia re.”

⁸⁹ Ibid.: “Probatio quod convenit in re vel ex natura rei: nam si Deus et creatura non convenient ex natura rei, non posset plus intellectus formare unum conceptum de illis quam de Deo, ut patet in exemplo. Nam nisi Socrates et Plato magis convenient ex natura rei quam Socrates et simulus, impossibile esset intellectum formare unum conceptum in specie magis de Socrate et Platone quam de Socrate et simulo. Cum ergo per te intellectus format unum conceptum communem indifferentem Deo et creaturis, necessario oportet quod sit in re aliqua unitas, et tunc reddit argumentum.”

numerable multitude, as long as we do not abandon number, we shall never reach a greater unity: two is no more one than a thousand is.⁹⁰

This is key for Harclay's position: for the formation of one common concept there is needed only a similarity, not any unity in reality. For him, if two things are similar, they must be distinct, since only distinct things can be alike. But unity and similarity are absolutely different (*primo diversa*). The only unity is numerical unity which does not admit of degrees. There can be degrees of similarity, but not of (numerical) unity. Socrates is not "more one" with Plato than with an ass. As Maurer has remarked, "Harclay is here opposing Duns Scotus' doctrine of degrees of real unity, as Ockham will also do later on."⁹¹

Just as significant is that the objector had used an example taken not from the transcendental context of God and creatures, but the categorical context of individuals and species. The objector had insisted on some unity "less than numerical" to ground our concept common to Socrates and Plato, as if there were some unity shared by Socrates and Plato that is not shared by Socrates and an ass. Harclay's rejection of this is clear here, and in his question on universals it is even clearer that the conceptualist principles he adopts in the transcendental context are applied to the categorical context, that of our common concepts of genera and species. As in this question, so in Ordinary Question XIV he understands the extra-mental basis of genera and species in terms of similarity, not any real unity "less than numerical."⁹²

Another objection brought against Harclay is based on the authority of Aristotle:

⁹⁰ Ibid., n. 62: ". . . dico quod necesse est quod sit convenientia ex natura rei inter illa a quibus formatur unus conceptus, sed non est necesse quod sint magis unum ex natura rei quam alia, immo nec alico modo unum nec minus nec magis. Ratio istius est, nam convenientia et unitas sunt primo diversa; ideo maior convenientia numquam facit maiorem unitatem, etiamsi convenientia cresceret in infinitum, nam semper convenientia supponit distinctionem sed unitas contrariatur distinctioni. Tu dicis illud quod minuit de distinctione addit aliquid de unitate, nam recedens ab uno contrariorum accedit ad reliquum, quod distinctio quae opponitur ydem patit vel unitati multos habet gradus. Sed unitas sibi opposita stat in indivisibili, et ideo quantumcumque minuit de distinctione, dum tamen manet infra limitates(?) distinctionis, numquam adquirit aliquid de unitate. Verbi gratia, quantumcumque minuatur de multitudine numerabili, dum tamen non recedatur a numero, numquam pervenitur ad maiorem unitatem; unde non magis duo sunt unum quam 1,000."

⁹¹ Maurer, "Harclay's Question on Univocity of Being," 220. Scotus lists a number of grades of unity in *Ord. I*, d. 2, pars 2, q. 1–4, n. 403 (Vat. 2:356–57).

⁹² Indeed, the bulk of his *Ordinary Question XIV* on universals is directed against the view that there is any unity in reality less than numerical. The extra-mental basis of our universal concepts is a real relation of similarity, not unity.

Aristotle says in the sixth book of his *Topics*: “Anything that is transferred, is transferred according to some similarity.” Our intellect, then, cannot transfer names from creatures to God except on the basis of a certain similarity. But our intellect does not make this similarity, but presupposes it. This similarity, therefore, exists in reality in the thing, not because of the work of the intellect. If, then, similarity is based on unity (as Aristotle says in the fifth book of the *Metaphysics*: “They are similar whose quality is one”; therefore real similarity is based on real unity), there is necessarily a real unity between God and a creature.⁹³

The objection is taken from Aristotle’s discussion of relations in book 5 of his *Metaphysics*. There Aristotle distinguishes three types of “relatives” or relata based on differing foundations. The first type can be characterized as numerical. The Stagirite includes in this class specific identity, qualitative similarity and quantitative equality:

For all refer to unity. (i) Those things are the same whose substance is one; (ii) those are similar whose quality is one; (iii) those are equal whose quantity is one; and one is the beginning and measure of number, so that all these relations imply number, though not in the same way.⁹⁴

Therefore, the objection goes, according to Aristotle real similarity is based on real unity.

Harclay replies:

I admit that there is a similarity between God and a creature based in reality, and yet no unity between them. But on what in reality, asks my opponent, is this similarity founded? I say it is founded on distinct foundations, not on one foundation nor on a real unity of foundation.⁹⁵

⁹³ Henry of Harclay, *Quaest. Ord.* XII, n. 57; “... Aristoteles 6 *Topicorum*: ‘Omne transferens secundum aliquam similitudinem transfert.’ Ergo intellectus noster non potest transferre ad divina nomina ex creaturis nisi propter similitudinem aliquam. Sed intellectus noster non facit illam similitudinem sed praesupponit illam; ergo illa similitudo est in re ex natura rei et non per opus intellectus. Cum ergo similitudo fundetur super unitatem (nam Aristoteles dicit 5 *Metaphysicae* quod ‘similia sunt quorum qualitas est una,’ ergo similitudo realis [fundatur] super unitatem realem), ergo necessario unitas realis est inter Deum et creaturam.”

⁹⁴ Aristotle, *Metaphysics* 5.15 (1021a10–14): “... hec igitur ad aliquid omnia secundum numerum dicuntur et numeri passiones; et amplius equale et simile et idem secundum aliud modum (hec enim secundum unum modum dicuntur omnia, eadem namque quorum una est substantia, similia vero quorum qualitas est una, equalia vero quorum quantitas est una; unitas vero est numeri principium et metrum, quare ea omnia dicuntur ad aliquid secundum numerum quidem, non eodem modo)...” (Aristotle, *Metaphysica, Translatio Anonyma sive ‘Media,’* Aristoteles Latinus 25.2 [Leiden, 1976], 104).

⁹⁵ Henry of Harclay, *Quaest. Ord.* XII, n. 64: “... concedo quod inter Deum et creaturam ex natura rei est similitudo et tamen nulla unitas. Et tu dicis: ‘Super quid fundatur ista simili-

True to his theory of relations, he maintains that while the relation of similarity presupposes two foundations (as two qualities of whiteness for the mutual relations of color similarity), nothing more is required; hence the similarity relation is “founded on distinct foundations.” It is certainly not founded on any “unity” shared by the two foundations, for they are numerically distinct. Again, Harclay can only make sense of talking of two distinct foundations that are similar, distinction being necessary for similarity; for him it makes no sense to talk of a “real unity” of numerically distinct foundations. And Harclay easily answers the authoritative text of Aristotle, for he claims that in various places in Aristotle’s works the Stagirite uses “one” in many senses and in particular he uses it for what is not really one, i.e., not numerically one.⁹⁶

CONCLUSION

In his *Ordinatio* I, d. 8, p. 1, q. 3, examined above, Scotus makes the following addition to his text:

Note [in my answer] how there is a primary intention of *a* and *b* that is common, and nothing of a single nature corresponds in reality, but two wholly diverse formal objects [i.e., God and creatures] are understood in one first intention, although each imperfectly.⁹⁷

According to Dumont, this “constitutes Scotus’s ultimate resolution of the metaphysical impasse to a univocal concept of being.”⁹⁸ Harclay saw this clearly and devotes much of his Ordinary Question XII to an alternative explanation of how this is possible. In addition, Dumont’s further comment affords an opportunity to clarify the differences between Scotus and Harclay:

In Scotus’s view, Henry [of Ghent] and his contemporaries were led to deny univocity because they demanded that every distinction in real concepts be based upon a corresponding distinction of realities. They failed to see that the boundaries between our concepts can be more refined, so that they do not always answer to a distinction of realities but can be based on one between a reality and its degree of perfection. Such is sufficient for perfect and imperfect

tudo ex natura rei? Dico quod super fundamenta distincta et non super unum fundamentum nec super unitatem fundamenti realem.”

⁹⁶ Ibid., n. 64: “Dico quod unum accipitur ibi pro aequivalenti non pro uno realiter, sicud accipitur frequenter in *Physica*, responsa de unitate loci et unitate lateris trianguli.”

⁹⁷ Scotus, *Ord.* I, d. 8, pars 1, q. 3, n. 136 (Vat. 4:221), Adnotatio Duns Scoti: “Nota quomodo aliqua intentio prima de *a* et *b*, indifferenter, et nihil unius rationis in re correspondet, sed intelliguntur obiecta formalia primo diversa, in una intentione prima, licet utrumque imperfecte.”

⁹⁸ Dumont, “Henry of Ghent and Duns Scotus,” 320.

conceptions of the same reality, which are related as proper and common concepts of it. A concept of being which is common by virtue of its imperfection is all that is required for it to be univocal to God and creatures.⁹⁹

Where Scotus sees a distinction between a reality and its mode of perfection as sufficient for perfect and imperfect conceptions of the same thing, Harclay does away with any such distinction *a parte rei*: the human intellect can form perfect and imperfect concepts of the one absolutely simple thing. In eliminating all grades of unity except numerical, he has no use for the modal distinction in this context. For Harclay, this minimal extra-mental distinction is transposed into ways of conceiving. The closest analogue in Scotus is what the Subtle Doctor sometimes refers to as a *distinctio rationis a parte rei*, a real conceptual distinction. “If there is no real distinction in the object, but the object nevertheless causes the intellect to conceive it in different ways, Scotus sometimes says there is a virtual or potential distinction in the object.”¹⁰⁰ Nevertheless, this is a conceptual distinction, to be distinguished from any “real” distinction, whether modal or formal. It is precisely here that Harclay makes his “conceptualist turn,” captured in theses (E) “Both indistinct and distinct concepts can be formed from one simple thing” and (F) “It is not the case that distinct things correspond to distinct concepts,” where it is evident that modes have no place in his ontology.

As we become more familiar with Harclay, it is becoming clear that his questions on univocity (XII), on relations (XIII), and on universals (XIV), all among the lengthiest of his *Ordinary Questions*, are intimately connected and are the key to understanding Harclay’s metaphysics and epistemology. They also signal a crucial moment in the fourteenth-century rise of conceptualism as a conscious alternative to Scotus’s realism. In his theory of universals, Harclay relies on his theory of relations to show how two things, as Socrates and Plato, while sharing in no common nature, can cause the intellect to form one common concept, based upon their relations of similarity. In addition, the same epistemological theses, (E) through (H), that we have discovered in his Question XII are used in his conceptualist theory of universals in Question XIV.

At this point in our research, I propose the following hypothesis. Harclay first addressed the key objection to the univocity of the concept of being with his theses (E) through (H). Then, having worked on his theory of relations, he extended these theses to the problem of universals in Question XIV to explain not how God and creatures, while sharing in no thing, could cause the intellect to form a concept univocally common to them, but rather how members of the

⁹⁹ Ibid.

¹⁰⁰ King, “Scotus on Metaphysics,” nn. 29, 60.

same species, as Socrates and Plato, although sharing no thing (more precisely, no common nature), could cause the intellect to form a generic or specific concept univocally common to them. Whereas in Question XII Harclay dispenses with Scotus's modal distinction, in Question XIV he dispenses with Scotus's formal distinction. In other words, the source of Harclay's conceptualism seems to have been his alternative understanding of Scotus's "ultimate resolution" of the chief objection to the univocal concept of being: how can there be a common concept with no community *in re*? Key to Scotus's solution is the intellect's ability to conceive of the one thing distinctly and indistinctly, adequately and inadequately, all the while maintaining a modal distinction. Harclay with no modal distinction, radicalizes the intellect's ability to conceive of a thing distinctly and indistinctly, adequately and inadequately. And where Scotus uses very different parts of his metaphysics to treat what is for him a separate problem, that of universals, Harclay applies the same conceptualist tools forged in his discussion of univocity to the problem of universals, resolving it in much the same way.¹⁰¹

Armand Maurer is quite right to hold that "... the 'mental universe' of Harclay is significantly different from that of Duns Scotus," and he is right to see that Harclay, in a number of ways, anticipates the views of William of Ockham.¹⁰² Still, with the appearance of the Latin critical edition and translation of Harclay's *Ordinary Questions*, we are now in a position to examine more closely these relationships. For example, although there is little evidence of the formalism of the Subtle Doctor in Harclay's later work, nevertheless we discover in one question, V, concerning distinctions in the Trinity, that he makes extensive use of Scotus's formal distinction in a number of very subtle ways. Much more work is now possible and needed in examining the relationships among Harclay, Scotus, and Ockham, not to mention many other illustrious contemporaries, on a number of issues including universals, relations and the univocity of being, as also problems concerning the will, indivisibilism and the eternity of the world, divine ideas, divine foreknowledge and predestination, plurality of forms, to name only a few. And, comparisons aside, we can finally reconstruct Harclay's own thought for its own sake.

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¹⁰¹ I offer the following adaptation of the *adnotatio Duns Scoti* with which I began this section as faithfully representing what Harclay holds on universals: Note in my answer how there is a primary intention of *a* and *b* that is common, and nothing of a single Scotist common nature corresponds in reality, but two wholly diverse objects, e.g., Socrates and Plato, are understood in one first intention, i.e., "man," although each imperfectly.

¹⁰² Maurer, "Harclay's Question on Univocity of Being," 224–27.

PURSUING SALVATION
THROUGH A BODY OF PARCHMENT:
BOOKS AND THEIR SIGNIFICANCE IN
THE ILLUSTRATED HOMILIES OF
IAKOBOS OF KOKKINOBAPHOS*

Maria Evangelatou

THE present article is concerned with two Byzantine illustrated codices of the twelfth century and the information they provide on the use and symbolism of books in their cultural context. The two manuscripts in question are the so-called Kokkinobaphos homiliaries, codex graecus 1162 of the Biblioteca Apostolica Vaticana in Vatican City and codex graecus 1208 of the Bibliothèque nationale de France in Paris. They both include six homilies on the life of the Virgin written by Iakobos, monk of the Kokkinobaphos monastery, and are lavishly illustrated with an almost identical set of miniatures that are well known to Byzantinists for their superb artistic quality and iconographic peculiarities.¹ Scholars have dated these manuscripts to the second quarter of the

* I first became interested in the illustration of the Kokkinobaphos homiliaries during my research on the symbolism of the purple thread spun by Mary in Byzantine images of the Annunciation for the article “The Purple Thread of the Flesh: The Theological Connotations of a Narrative Iconographic Element in Byzantine Images of the Annunciation,” finally published in a shorter version, without the Kokkinobaphos material, in *Icon and Word: The Power of Images in Byzantium: Studies Presented to Robin Cormack*, ed. A. Eastmond and L. James (Aldershot, 2003), 261–79. As a postdoctoral fellow at Dumbarton Oaks (2003–2004), the Program in Hellenic Studies at Princeton University (2004–2005), and the Pontifical Institute of Mediaeval Studies in Toronto (2005–2006), I dedicated part of my time to the study of the two Kokkinobaphos homiliaries. The present article presents only one aspect of my research on these two manuscripts. I warmly thank all three institutes for supporting my work.

¹ In the present article, all the Kokkinobaphos miniatures shown in the photos are from the Paris copy. The main publications on the illustration of the two manuscripts are C. Stornajolo, *Miniature delle Omilie di Giacomo Monaco (Cod. Vatic. gr. 1162) e dell’Evangelionario greco urbinate (Cod. Vatic. urbin. Gr. 2)* (Rome, 1910); H. Omont, *Miniatures des Homélies sur la Vierge du moine Jacques (ms. Gr. 1208 de Paris)*, Bulletin de la Société française de reproductions de manuscrits à peintures 11 (Paris, 1927); I. Hutter, “Die Homilien des Monches Jakobus und ihre Illustrationen, Vat. Gr. 1162 und Paris Gr. 1208” (Ph.D. diss., Universität zu Wien, 1970); I. Hutter and P. Canart, *Das Marienhomiliar des Mönchs Jakobos von Kokkinobaphos. Codex Vaticanus Graecus 1162. Einführungsband und Faksimile*, Codices e Vaticinis selecti 79 (Stuttgart, 1991); and most recently, K. Linardou, “Reading Two Byzantine Illustrated Books:

twelfth century,² when Iakobos must have been still alive, and have related them to a most active patroness of the imperial family, the Sebastokratorissa Eirene (ca. 1110–1151/52), sister-in-law of the emperor Manuel Komnenos and wife of Sebastokrator Andronikos (1108/9–1143).³

In the miniatures of these two manuscripts, the object most frequently represented in the Virgin's hands is the purple material mentioned in the apocryphal *Protevangelion* of James; and the second most frequently represented object Mary holds is a book.⁴ According to the *Protevangelion*, which was very influential in Byzantium and functioned as the primary source for the author of the Kokkinobaphos homilies, shortly before the Annunciation the temple priests entrusted Mary with a bundle of purple fibers that she had to spin into a thread destined for the new veil of the Holy of Holies.⁵ In Byzantine images of the Annunciation, the Virgin is usually depicted spinning this material.⁶ As I have already proposed elsewhere, this purple thread was

The Kokkinobaphos Manuscripts (Vaticanus graecus 1162, Parisinus graecus 1208) and Their Illustration” (Ph.D. diss., University of Birmingham, 2004). I have not been able to consult this latest study yet, but I thank K. Linardou for informing me that she examines the relationship of word and image, the question of precedence between the two manuscripts, some aspects of the Kokkinobaphos workshop and the re-dating of the Paris copy, the question of patronage, and the purpose the Kokkinobaphos books served. On the text of the Kokkinobaphos homilies, see n. 11 below; and on the unidentified monastery of the Theotokos of the Kokkinobaphos where Iakobos was a monk, see J. C. Anderson, “The Illustrated Sermons of James the Monk: Their Dates, Order, and Place in the History of Byzantine Art,” *Viator* 22 (1991): 85–86.

² See Anderson, “Illustrated Sermons,” 69–120, esp. 85 (but cf. n. 84 below); and Hutter and Canart, *Das Marienhomiliar*, 11–17.

³ See E. Jeffreys, “The Sebastokratorissa Eirene as Literary Patroness: The Monk Iakovos,” in *XVI. Internationaler Byzantinistenkongress: Akten*, 2/3 (Vienna, 1983), 63–71; and M. and E. Jeffreys, “Who Was Eirene the Sebastokratorissa?” *Byzantion* 64 (1994): 40–68. For information on the genealogy and history of the Komnenian family, see K. Varzos, *H γενεαλογία τῶν Κομνηνῶν*, 2 vols., Βυζαντινὰ κείμενα καὶ μελέται 20 (Thessalonike, 1984), esp. 1:357–79 for Eirene and her husband Andronikos; and F. Chalandon, *Jean II Comnène (1118–1143) et Manuel I Comnène (1143–1180)* (Paris, 1912), esp. 212–13.

⁴ The purple appears in the Virgin's hands or on her throne eleven times: Vat. gr. 1162, fols. 109r, 115v, 117v, 118r, 122r, 124r, 126r, 127v, 130v, 137v, 142r (Stornajolo, *Miniature*, plates 45, 49–51, 53–57, 60, 62); Paris gr. 1208, fols. 147v, 157r, 159v, 160v, 165v, 168v, 171v, 173v, 177v, 187r, 189v (Omont, *Miniatures*, plates 18–24). The book appears in the Virgin's hands eight times.

⁵ See chap. 10 of the *Protevangelion*, ed. C. de Tischendorf, *Evangelia Apocrypha*, 2d ed. (Leipzig, 1876; rpt. Darmstadt, 1966), 20–21; translated in P. A. Underwood, *The Kariye Djami*, 4 vols., Bollingen Series 70 (New York and Princeton, 1966–75), 1:76–77. On Iakobos's use of the *Protevangelion*, as well as feast homilies dedicated to Mary, see Anderson, “Illustrated Sermons,” 71, 100; and see J. Lafontaine-Dosogne, *Iconographie de l'enfance de la Vierge dans l'empire Byzantin et en Occident* (Bruxelles, 1964) for the influence of the *Protevangelion* on the depictions of Mary's life in Byzantine art.

⁶ According to chap. 11 of the *Protevangelion* (Tischendorf, *Evangelia Apocrypha*, 22),

used in Byzantine art as a symbol of the Incarnation. Biblical and patristic exegesis, homilies, hymns, and iconographic elements suggest that the purple thread of the temple veil was referring to the true Temple Veil: Christ's body woven in the virginal womb with the purple of the flesh in order to reveal to the world the true Holy of Holies, heaven.⁷ In contrast to the purple, the book held by Mary in the Kokkinobaphos miniatures is not inspired by any textual reference in the Gospels or the *Protevangelion*.⁸ The fact that the book appears to have no textual sources bespeaks an important semantic function that calls for interpretation.⁹

when Gabriel announced to Mary that she would become the mother of God, she was spinning the purple thread. For the iconography of the Annunciation in Byzantine art, see G. Schiller, *Iconography of Christian Art*, 2 vols. (New York, 1971), 1:33–37; and K. D. Kalokyres, *Η Θεοτόκος εἰς τὴν εἰκονογραφίαν Ανατολής καὶ Δύσεως* (Thessalonike, 1972), 115–16.

⁷ See Evangelatou, “Purple Thread” (as above on p. 001), with reference to earlier literature. See also N. P. Constas, “Weaving the Body of God: Proclus of Constantinople, the Theotokos, and the Loom of the Flesh,” *Journal of Early Christian Studies* 3 (1995): 164–94, and *Proclus of Constantinople and the Cult of the Virgin in Late Antiquity: Homilies 1–5, Texts and Translations*, Supplements to *Vigiliae Christianae* 66 (Leiden and Boston, 2003), chap. 6, 315–58. These two publications by Constas are extremely useful for any discussion of the symbolism of the purple thread spun by the Virgin, although the author does not examine systematically the Byzantine literature postdating Proclus nor does he investigate the symbolism of the purple thread in Byzantine art generally. The symbolism of the purple thread in the two Kokkinobaphos homiliaries is specifically discussed in M. Evangelatou, “Το νήμα της Ενσάρκωσης: Ο συμβολισμός της πορφύρας στις εικονογραφημένες ομιλίες του Ιακώβου Κοκκινοβάφου,” in *Εικοστό Πέμπτο Συμπόσιο Βυζαντινής και Μεταβυζαντινής Αρχαιολογίας και Τέχνης, Πρόγραμμα και Περιλήψεις Εισηγήσεων και Ανακοινώσεων* (Athens, 2005), 37–38. This subject will be extensively treated in my forthcoming monograph with the tentative title *Weaving Christ’s Body: Clothing, Femininity and Sexuality in the Marian Imagery of Byzantium*. I thank the Radcliffe Institute for Advanced Study for supporting this project with a postdoctoral fellowship for the academic year 2006–2007.

⁸ In Western Europe, where the Virgin was frequently depicted holding a book, especially from the fourteenth century onwards, homilists often wrote that Mary was reading the psalms or Isaiah 7:14 when Gabriel visited her, but I have not been able to identify any similar Byzantine source. For the Western material, see Schiller, *Iconography*, 42; K. Schreiner, “... wie Maria geleicht einem puch”: Beiträge zur Buchmetaphorik des hohen und späten Mittelalters,” *Archiv für Geschichte des Buchwesens* 11 (1971): 1438–64, esp. 1441–42; and idem, “Marienverehrung, Lesekultur, Schriftlichkeit: Bildungs- und frömmigkeitsgeschichtliche Studien zur Auslegung und Darstellung von ‘Mariä Verkündigung,’” *Frühmittelalterliche Studien* 24 (1990): 314–68. See also P. Sheingorn, “‘The Wise Mother’: The Image of St. Anne Teaching the Virgin Mary,” *Gesta* 32 (1993): 69–80, esp. 69–70, reprinted in *Gendering the Master Narrative: Women and Power in the Middle Ages*, ed. M. C. Erler and M. Kowaleski (Ithaca, N.Y., 2003), 105–34, esp. 107–8.

⁹ A similar observation is made by P. Sheingorn (“Wise Mother,” 71; rpt. 110) concerning the theme of St. Anne teaching Mary to read, which was very popular in the West since the fourteenth century: “The very existence of such a scene, floating free of a textual anchor and surfacing in a variety of contexts, suggests that it performed important symbolic functions in late medieval cultural practices. It is these contexts and functions that we need to understand.”

On the other hand, the fact that in the two Kokkinobaphos homiliaries the book is represented in the Virgin's hands almost as frequently as the spindle with purple wool might indicate that the function of the one could shed some light on the function of the other. The spindle with purple thread is both a symbol of the Incarnation and an emblem of female virtue, as spinning and weaving had been considered since antiquity the most important and honorable occupations of women next to childbearing.¹⁰ Could the book in the Virgin's hands be interpreted in a similar way, as both a symbol of the Incarnation of the Word and an object which was regularly used by women like Eirene Sebastokratorissa, who could afford items as costly as books? In this investigation, I will examine these issues with a triple aim: to shed more light on the complex and sophisticated relationship between word and image in the Kokkinobaphos homiliaries, which other scholars have already discussed in different respects; to explore what the illustration of these two codices can tell us about their intended use, as well as Byzantine attitudes towards the use of Holy Scripture and religious texts in general; and to contribute to our understanding of Byzantine iconographic symbolism and its subtleties, especially in relation to the significance of the book as symbol of the Incarnation. This discussion will be based on a detailed iconographic analysis of the miniatures in relation to two textual sources: the homilies illustrated by these miniatures,¹¹ and the letters that Iakobos, the author of the homilies, addressed to Eirene, the person who was most likely responsible for commissioning the Kokkinobaphos homiliaries.¹² Some of these letters make special reference to

¹⁰ The importance of spinning and weaving in the life of Byzantine women is treated in Ph. Koukoules, *Buζαντινῶν Βίος καὶ Πολιτισμός*, 6 vols. (Athens, 1948–57), 2:12–16, 202–5; Constas, “Weaving the Body of God,” 185–88, and Proclus, 343–45, with further literature; E. Nardi, *Né Sole Né Luna: L’immagine femminile nella Bisanzio dei secoli XI e XII*, Fondazione Carlo Marchi, Quaderni 16 (Florence, 2002), 43–45; and M. F. Heintz, “Work: The Art and Craft of Earning a Living,” in *Byzantine Women and Their World*, ed. I. Kalavrezou (Cambridge, Mass., 2003), 140–41. See also E. W. Barber, *Women’s Work: The First 20,000 Years. Women, Cloth and Society in Early Times* (New York and London, 1994), esp. 101–26, with reference to traditions of the Minoan and Mycenaean world and the Homeric epics which survived well into the medieval period.

¹¹ Homilies 1–3, 5, and the first part of 6 are published in PG 127:544–700. Homily 4 and the second part of 6 are published by Hutter, *Die Homilien* 2:1–55.

¹² Iakobos’s letters, together with his homily on the Holy Spirit, are preserved in Paris, Bibliothèque nationale de France gr. 3039, which is probably contemporary with the two homiliaries (see Anderson, “Illustrated Sermons,” 85–95). The forty-three letters are being prepared for publication by E. and M. Jeffreys in a forthcoming volume of the *Corpus Christianorum, Series graeca*. I was able to study Paris gr. 3039 through a microfilm held in the Dumbarton Oaks library and, using photocopies, I made transcriptions and translations of Iakobos’s letters, which I have included in this article only for the purpose of research on the illustrations of the homiliaries. In the transcriptions I have often standardized spelling and punctuation.

the use and interpretation of Scriptures and can give us valuable information on the intentions of Iakobos, who was actively involved in the production of his illustrated homiliaries, and on the interests of Eirene, who in all probability bore the high cost of their production.¹³

The representation of books in the Kokkinobaphos homiliaries has been already discussed by J. Anderson. He has suggested that the Virgin is frequently shown holding a book in order to promote the ideal of learning to which Eirene was devoted. In this way the Theotokos becomes an intellectual model for the Sebastokratorissa, reflecting the cultural interests of many of the Komnenian princesses. According to Anderson, the frequent appearance of a book in the hands of the Virgin “recalls Anna Komnene’s admiring recollection of her mother [the empress Eirene Doukaina] as a woman often seen with a book in her hand (*Alexiad*, V.9;XII.3).”¹⁴ In fact, the twelfth-century historian Constantine Manasses makes a similar observation for Eirene Sebastokratorissa: in his *Chronographia*, composed under her auspices, he mentions that his patroness was constantly thirsty for knowledge and continuously occupied with books.¹⁵

The appearance of Mary holding a book no less than eight times in the Kokkinobaphos manuscripts is unprecedented in the Byzantine material. No other single surviving manuscript or monument of Byzantine art contains so many images of the Virgin holding a book, an iconographic subject that is on the whole very rare in Byzantium.¹⁶ This fact alone could indeed indicate a

¹³ See K. Linardou, “The Couch of Solomon, a Monk, a Byzantine Lady and the Song of Songs,” in *The Church and Mary. Papers Read at the 2001 Summer Meeting and the 2002 Winter Meeting of the Ecclesiastical History Society*, Studies in Church History 39 (Trowbridge, 2004), ed. R. N. Swanson, 73–85, esp. 83–84 for references to scriptural exegesis in Iakobos’s letters and to further literature on this issue. I thank K. Linardou for giving me a copy of her article before it was published. On the involvement of Iakobos in the production of the homiliaries, see n. 49 below.

¹⁴ J. C. Anderson, “Anna Komnene, Learned Women, and the Book in Byzantine Art,” in *Anna Komnene and Her Times*, ed. T. Gouma-Peterson (New York and London, 2000), 125–56, esp. 145.

¹⁵ See Varzos, Η γενεαλογία τῶν Κομνηνῶν 1:363 n. 39: “... σὺ δὲ, ψυχὴ βασίλισσα καὶ φιλολογωτάτη, ἀεὶ διψῶσα γνώσεως καὶ λόγου καὶ παιδείας, βίβλοις ἀεὶ προστέηκας, ἐπεντρυφάς τοῖς λόγοις, καὶ γίνεται σοι τῆς ζωῆς ἄπαξ ὁ χρόνος λόγος.” This eulogy cannot be dismissed as simply formulaic; it certainly indicates Eirene’s interest in learning, because otherwise Manasses would not have had reason to eulogize her in this way.

¹⁶ See Anderson, “Anna Komnene, Learned Women, and the Book,” 127–31, 136–41, figs. 1, 3, 6, 8, where in addition to the Kokkinobaphos material, four other images are discussed. In the early eleventh-century Psalter of Basil II (Vat. gr. 1613, p. 78), Mary is shown putting a scroll symbolizing poetic inspiration in the mouth of Romanos Melodos; in an eleventh-century lectionary (Mount Sinai, Monastery of St. Catherine gr. 204, p. 3), Mary is holding a scroll which probably alludes to her quality as intercessor between humanity and her Son; in an eleventh-century psalter and New Testament (Washington, D.C., Dumbarton Oaks Collection

connection with the learned ideal embraced by Eirene and other Komnenian princesses, as Anderson suggests. The peculiar characteristics of the Kokkinobaphos miniatures, however, indicate that more layers of meaning are present in this imagery. For example, the Virgin never appears actually reading the book she holds;¹⁷ rather, she either keeps it closed on her bosom (see plate 4a–b) or she presents it to the reader of the homilies, holding it open with the text facing the viewer (plates 1a–3b). Three of the eight times she is shown with a book in her hands, she is also walking (plates 3a, 4a–b); therefore it seems improbable that the intention was to present her as reading. Finally, in one of these miniatures, the book actually contains Mary's own words (plate 3a). The comparison of this material with Western images of Mary reading a book, usually during her Annunciation but also in other moments of her life, is quite revealing in this respect. Such images became quite common in Western Europe from the fourteenth century onwards and they represent the Virgin actually reading a book rather than presenting it to the viewer. Often, the lectern in front of which she stands houses a number of books. Another popular theme of the time was Anna teaching Mary to read. Images of the Virgin being taught to read together with other children in the temple have also survived from the same period. These iconographic motifs have been convincingly related to the rising rate of female literacy and the growing number of women owning and commissioning books in contemporary Western Europe.¹⁸ In fact, such women are often represented commissioning, receiving, or reading books in the miniatures of the manuscripts they owned.¹⁹ Although we

MS 3, fol. 80v), Mary is holding an open book; and in a twelfth-century icon from the Monastery of St. Catherine on Mount Sinai, both Mary and the Child hold the same scroll (for the meaning of the last two depictions, see pp. 029–39 below). One more image that can be added to this list is mentioned by H. Papastavrou (see n. 93 below): on a thirteenth-century psalter (St. Petersburg, National Library of Russia gr. 269, fol. 4r), Mary is holding the Child and a scroll with the beginning of the *Magnificat*. Of these five images, only one represents the Virgin holding a book rather than a scroll.

¹⁷ Anderson, “Anna Komnene, Learned Women, and the Book,” 139, 143, 145, describes Mary as “reading” the open book she holds in the Kokkinobaphos miniatures and the eleventh-century psalter and New Testament mentioned in the previous note. On p. 145, he notes that the open book can be seen as a sign of speech and the closed book as an attribute of learning.

¹⁸ For all the preceding, see S. G. Bell, “Medieval Women Book Owners: Arbiters of Lay Piety and Ambassadors of Culture,” *Signs: Journal of Women in Culture and Society* 7 (1982): 742–68, reprinted in *Sisters and Workers in the Middle Ages*, ed. J. M. Bennett et al. (Chicago and London, 1989), 135–61; Schreiner, “Marienverehrung, Lesekultur, Schriftlichkeit”; Sheingorn, “Wise Mother”; and W. Scase, “St Anne and the Education of the Virgin: Literacy and Artistic Traditions and their Implications,” in *England in the Fourteenth Century, Proceedings of the 1991 Harlaxton Symposium*, ed. P. Watkins, Harlaxton Medieval Studies 3 (Stamford, 1993), 81–96.

¹⁹ See, e.g., Bell, “Medieval Women Book Owners,” plates 4, 6, 7, 12. For women praying

know that Komnenian princesses like Eirene and, of course, Anna Komnene supported writers, commissioned books, or even composed texts themselves,²⁰ the Kokkinobaphos miniatures do not reflect this in a manner comparable to the Western images mentioned above. The latter are very explicit in the way they present Mary involved in the act of reading and come in sharp contrast with the way the Virgin and the book are combined in the Kokkinobaphos homiliaries. Such differences cannot be attributed to any supposed tendency toward abstraction or indifference to realism in the work of Byzantine painters. For example, Byzantine miniaturists were perfectly able to present the evangelists writing or reading their Gospels in a rather lifelike manner, and they often inscribed a legible text in their books.²¹ Because evangelists

in front of open books while looking at St Anne teaching the Virgin to read, see, e.g., Shein-gorn, "Wise Mother," figs. 11 and 15.

²⁰ For Eirene, see Jeffreys, "Sebastokratorissa Eirene" and "Who Was Eirene the Sebastokratorissa?" as in n. 3 above. See also Varzos, *H γενεαλογία τῶν Κομνηῶν* 1:362–64, 367–68; and Linardou, "Couch of Solomon," 84 n. 40, with reference to the possibility that Eirene was not only a patron but also an author herself (she seems to have composed a homily on the *Song of Songs* which she sent to Iakobos). For Anna Komnene, author of the *Alexiad*, see, e.g., the essays collected in *Anna Komnene and Her Times* (as in n. 14 above). References to literary salons or scholarly groups supported by women of the imperial court in eleventh- and twelfth-century Constantinople may be found, e.g., in Anderson, "Anna Komnene, Learned Women, and the Book," 125; and Reinsch, "Women's Literature in Byzantium? The Case of Anna Komnene," in *Anna Komnene and Her Times*, 87. See also Nardi, *Né Sole Né Luna*, 56–58; on p. 58, Nardi observes that the literary patronage (or matronage) of women of the Komnenian court was above all intended to promote a glorious image of the reigning dynasty. The primary issue was not personal learning and intellectual interests, but the eulogy of the members of the family. Indeed, this is also the basic purpose behind the *Alexiad* composed by Anna Komnene, the most learned woman in Byzantine history known to us. See R. Macrides, "The Pen and the Sword: Who Wrote the *Alexiad*?" in *Anna Komnene and Her Times*, 63–82, esp. 67–69, 71–72. This, however, does not mean that women like Anna and Eirene were not interested in learning for their own personal reasons. See also n. 15 above.

²¹ For examples of evangelist portraits where books appear inscribed with legible texts and lying on lecterns or on the evangelist's lap, see A. M. Friend, *The Portraits of the Evangelists in Greek and Latin Manuscripts* (Cambridge, Mass., 1927), figs. 95–102, 117, 125–28, 132, 135, 169–71. In figs. 105, 108, and 143, the evangelists hold the book on their lap in a way that could be used to suggest they are reading, but in this case they are depicted writing; in figs. 1, 4, 9, 11, 13, and 120, they hold the book open in front of them and seem actually reading. In the last two categories of portraits, the book is clearly depicted as a three-dimensional object that the evangelist opens so that he (and not us) can see its content; it is not shown in a frontal full-display view. Books inscribed with texts and lying on lecterns also appear in the first miniature of the Paris copy of the Kokkinobaphos homilies (a miniature that must have been originally included also in the Vatican copy as well; see n. 35 below). The miniaturist was not interested in a detailed depiction of the open books in order to make them appear three-dimensional, but the presentation of the two books on lecterns clearly suggests they were objects of study. For tenth- to fourteenth-century evangelist portraits with books legibly inscribed and lying on lecterns or on the evangelist's lap, see also G. Galavaris, *Zωγραφική Βυζαντινών Χειρο-*

are commonly depicted with books in some sort of perspective in relation to their bodies, as objects they are actually using, when they appear instead displaying an open book shown in full view with the text facing the viewers,²² they are not regarded as being in the act of writing or reading. Mary is seen displaying her book in a similar way in the Kokkinobaphos miniatures, but because this is the way she is normally depicted with a book in Byzantine art, we might assume she is reading merely by applying to her the most common use of a book (i.e., reading). The various depictions of books in Byzantine evangelist portraits warn us against such assumptions. If the intention of the Kokkinobaphos painter was to present the Virgin actually reading, he would have presented her doing so, rather than displaying the volume she holds. Without discrediting the influence of Komnenian female learning on the frequent depiction of the Virgin with a book in the Kokkinobaphos homiliaries, the following analysis will suggest that other factors should be also taken into consideration for a fuller understanding of the conception and perception of this imagery. Anderson himself notes that these images are not “unambiguous celebrations of female learning,” since they also seem to promote the study of Scriptures as an expression of Christian piety.²³ He also stresses that in Byzantine images the significance of the book in the hands of a woman “could sometimes be grasped from the context, not from conventions universally recognized.”²⁴ It is this context of the Kokkinobaphos miniatures that is at the center of the present article.

If we consider that the Kokkinobaphos homiliaries were prepared for a woman but were produced by men (like the majority of the textual and visual material we have on Byzantine women),²⁵ and if we take into account that it is difficult to evaluate in what way Byzantine women themselves reacted and related to the gender roles ascribed to them in the patriarchal society in which they lived,²⁶ it becomes apparent that a gender-oriented interpretation of the

γράφων (Athens, 1995), figs. 32–35, 41, 57, 89, 185. In fig. 185, the evangelist is depicted actually reading his codex.

²² This is a rare way of depicting the book in the evangelists’ hands in Byzantine art; see Friend, *Portraits of the Evangelists*, figs. 20, 93.

²³ Anderson, “Anna Komnene, Learned Women, and the Book,” 145.

²⁴ Ibid., 141.

²⁵ Nardi, *Né Sole Né Luna*, 7–17.

²⁶ Ibid., 7–8. See also Reinsch, “Women’s Literature in Byzantium?” 83–84 n. 2, with reference to the writings of Kassiani, where both the exaltation of women and the transmission of misogynist ideas common in Byzantine culture are found; and see A. Laiou, “Observations on the Life and Ideology of Byzantine Women,” *Byzantinische Forschungen* 9 (1985): 59–101, esp. 60: “... the role of ideology must be clarified; in particular, it seems essential to study the perception women had of themselves as females, and the degree to which this perception may have diverged from male ideology on this issue.” This investigation of female self-definition is

Kokkinobaphos miniatures can be very elusive. An example of the problem may be found in the treatment of the spindle in Byzantine literature and art. In contrast to George Tornikes' description of Anna Komnene as a woman who had "exchanged the spindle and thread for the reed pen and book . . .,"²⁷ the Theotokos is shown in the Kokkinobaphos manuscripts holding a spindle even more frequently than she is shown holding a book. In fact, it is her spinning of the purple thread that exalts her the most in the eyes of the viewer, since it is symbolic of her status as Mother of God. Ever since antiquity and into the Middle Ages, spinning and weaving were considered dutiful occupations of all women, even for princesses and queens, who were also expected to be confined in their household domain and to abide to the female ideals of modesty and industriousness like all other women of their time.²⁸ In Byzantium, even empresses were occupied with spinning and weaving, or were at least expected to do so by the male authors who mention them.²⁹ We do not know if the Sebastokratorissa Eirene was ever involved in such activities, although this is quite possible.³⁰ On the other hand, we are certain that she was very active in the study of books, being herself an avid reader of books and generous patron of writers. The fact that in the Kokkinobaphos homiliaries the Virgin is frequently shown holding either a spindle or a book might suggest, among other things, that at least in the life of some aristocratic women of the time intellectual interests were not necessarily practiced at the expense of more traditional female occupations; or that such interests were not perceived as incompatible with female identity, as Tornikes' observation about Anna Komnene might have us believe.³¹ Even though this author is praising Anna

mentioned as a basic research objective in C. L. Connor's *Women of Byzantium* (New Haven and London, 2004), e.g., xiv, with reference to Laiou's statement cited above.

²⁷ Anderson, "Anna Komnene, Learned Women, and the Book," 125 and n. 2; J. Darrouzès, *Georges et Démétrios Tornikès: Lettres et discours* (Paris, 1970), 315.

²⁸ For the spinning and weaving queens of antiquity, see the discussion by Barber, *Women's Work*, chap. 9 ("The Golden Spindle"), esp. 207–11, and 118–19.

²⁹ See Nardi, *Né Sole Né Luna*, 43. Constas, *Proclus*, 343–47, esp. 349 with special reference to the fifth-century empress Pulcheria and her sisters, who according to the historian Sozomenos were constantly occupied with weaving and embroidery. In the eleventh century, Psellos considers it unusual that the empress Zoe was not occupied with spinning and weaving as any other woman, but with the production of perfumes; see *Chronographia* 6.159, ed. É. Renauld, *Michel Psellos: Chronographie; ou Histoire d'un siècle de Byzance (976–1077)*, 2 vols. (Paris, 1926–28; rpt. 1967).

³⁰ According to surviving Byzantine epigrams, Sebastokratorissa Eirene dedicated a number of precious veils to holy icons. Some of these epigrams present Eirene as the one who personally made the veils, but this could also be a rhetorical expression, meaning that she paid for the cost of their manufacture. See V. Dimitropoulou, "Komnenian Imperial Women as Patrons of Art and Architecture" (Ph.D. diss., University of Sussex, 2004), 172–84.

³¹ Compare what Psellos writes about his own daughter Styliane: before her death at the

for her intellectual activities, he is also expressing the view that such activities are not destined for women: Anna has renounced her female nature, identified with the spindle and thread, to devote herself to the masculine activities of writing and studying.³² The Kokkinobaphos miniatures might present a less radical view, in which a book and a spindle can coexist in the hands of a woman. This, however, does not mean that the illustration of these manuscripts presents a more liberal attitude towards women in comparison to Tornikes' eulogy of Anna. In fact, the type of book the Virgin is shown holding and the way she uses it might suggest that the ideal promoted by these miniatures is not that of learning and intellectual endeavors but of religious piety exercised through the reading of Holy Scripture—quotations from which appear on Mary's book. Indeed, the Bible and other religious texts, such as lives of saints and sayings of the fathers, were considered the only appropriate material for the education of women according to the patriarchal standards of Byzantine society.³³ Images of Western art in which Mary is studying a book have been interpreted in a similar manner: it has been suggested that such images did not necessarily reflect or promote the empowerment of women through access to literacy; they could also promote the dominant patriarchal ideology of women's confinement, submission, and obedience by placing emphasis on literacy for the purpose of reading Scriptures alone, and not studying in general.³⁴

age of nine, she had demonstrated a surprising ability in weaving but also in learning to read and write and in memorizing the Psalter. See Nardi, *Né Sole Né Luna*, 43, 47; and Reinsch, "Women's Literature in Byzantium?" 86.

³² In fact, Tornikes says that Anna had "a male soul in a female body" and compares her to the γυναῖκα ἀνδρείαν of Proverbs 31:10, which in reality means not just valorous but "manly woman." In his eulogy he uses various words deriving from ἀνὴρ or ἄρρεν (man, male) to characterize Anna; see *In mortem Annae caesarissae*, ed. Darrouzès, *Georges et Démétrios Tornikès*, 315. It has been noted that Anna was perceived as a paradox by her contemporary men, who were uneasy towards her exceptional learning and intellectual activities; see Nardi, *Né Sole Né Luna*, 52–55. Anna herself seems to have regretted the fact that she was born woman rather than man, which gives us an idea of the difficulties she faced because her interests and ambitions were not considered appropriate for women in Byzantium; see Reinsch, "Women's Literature in Byzantium?" 97–101.

³³ As will be discussed below, four of the five times the Virgin's book is inscribed with a biblical text, the quotation comes from the Psalter, which was the basic text for learning to read and write in Byzantium and was considered very important for the moral guidance of both men and women. That female education was restricted to religious texts is very clear by the exceptional example of Anna Komnene, who initially had to study secular literature in secrecy from her parents. For all the above, see Nardi, *Né Sole Né Luna*, 46–55. See also Reinsch, "Women's Literature in Byzantium?" 87.

³⁴ See Sheingorn "Wise Mother," 78; rpt. 133–34. She notes in this respect, "How could we expect that one of the most central constructions of medieval culture, the Virgin Mary, would not forward the dominant ideologies of that culture?" See also S. Penketh, "Women and

In the following examination of the representations of books in the two Kokkinobaphos manuscripts, my emphasis will not be on gender issues that could possibly be discussed in relation to images of the Virgin holding a book in a codex destined for a woman. Instead the focus will be on the ideal of studying Scriptures as a devotional and pious activity appropriate for both sexes.

* * *

Originally, both manuscripts were probably introduced by a miniature in which two books were central in the composition. Today the scene survives only in Paris gr. 1208. John Chrysostom and Gregory of Nyssa are seated in front of two lecterns that support two open codices. The words written on them identify them as the Gospel of Matthew and the Song of Songs, on which the two Church fathers had written commentaries. Iakobos the homilist appears twice in this miniature, first held by the hand of John Chrysostom and then bowing in front of Gregory of Nyssa. Scholars have interpreted this composition as a reference to the scriptural and exegetical texts that the learned Iakobos used for the composition of his sermons on the Virgin.³⁵ This miniature suggests that the value and authority of the book it illustrates derives directly from venerable biblical and patristic sources. In other words, the learned ideal presented declares above all the theological erudition and religious piety of the author.

In the miniatures that follow there are occasional depictions of prophets holding scrolls containing their prophecies about Christ or the Virgin.³⁶ These

Books of Hours," in *Women and the Book: Assessing the Visual Evidence*, ed. L. Smith and J. H. M. Taylor (London, 1997), 266–81, esp. 275–76, where images of female saints or female book owners depicted reading in Books of Hours are seen as promoting "the religious ideal of woman as obedient, humble, and devoted." Other scholars have proposed that the iconography of Mary and St. Anne reading in the art of Western Europe was intended to promote the study of religious texts as a Christian ideal of piety that would assist both men and women to obtain salvation. The image of Mary reading a book was used as a moral model for all Christians, regardless of sex. See Schreiner, "Marienverehrung, Lesekultur, Schriftlichkeit," esp. 318, 348–49, 353, 367–68; Scase, "St Anne and the Education of the Virgin," esp. 93–96; and M. D. Driver, "Mirrors of a Collective Past: Re-considering Images of Medieval Women," in *Women and the Book*, 75–93, esp. 86.

³⁵ Paris gr. 1208, fol. 1v (Omont, *Miniatures*, plate 1). See Hutter, *Die Homilien*, 21–24; Hutter and Canart, *Das Marienhomiliar*, 12–14; and Anderson, "Illustrated Sermons," 71–72.

³⁶ In the scene of Christ's Ascension, for example, Isaiah and David hold scrolls which contain prophecies about Christ; and in another miniature, David is shown next to Anna and Mary holding a scroll which contains one of his prophecies about the Virgin (Vat. gr. 1162, fols. 2v, 41r, Stornajolo, *Miniature*, plates 1, 15; Paris gr. 1208, fol. 3v, 56r, Omont, *Miniatures*, plates 1, 7).

scrolls are a conventional way of presenting the words of the figures who hold them (also including a notion of ancient wisdom and authority/authorship), rather than real objects.³⁷ The open book occasionally held by the Virgin, always facing the viewer rather than Mary herself, could also play a similar role, by presenting Mary's thoughts or actual words.³⁸ The choice of a book rather than a scroll, however, allows for additional layers of meaning to be included in the image. One is the reference to the actual form of most books in contemporary Byzantium, and therefore an allusion to the study of Scriptures, either as an ideal of learning or as a religious practice. In four of the six instances in which the book is open (plates 1a–2b), the specific text it contains is very illuminating in this respect. As already observed by I. Hutter, the abbreviated psalm verses written on the pages of the book function as meaningful comments to the episodes narrated in the respective miniatures:

- (1a) Zachariah is praying for guidance concerning the Virgin's future, since she has reached the age of twelve and has to leave the temple. The book on Mary's lap contains the words καὶ ἐπή[κουσέν μον] or καὶ ἐπή[κουσάς μον], a quotation from either Ps 117:5 or Ps 118:26 ("[God] listened to me . . ." or "[God], you listened to me . . ."). The implication is that God hears the petitions of the virtuous, in this case Zachariah and the Virgin, and will guide the high priest to protect Mary by betrothing her to Joseph.³⁹
- (1b) Mary is protected by the sixty spear-bearing valiant ones mentioned in the Song of Songs (3:7–8). In the lower part of the composition angels are shown casting demons back into hell. On Mary's book appears a quotation from Ps 9:7, τοῦ ἐχθροῦ ἔξελι[πτον αἱ φομφαῖαι]

³⁷ See Anderson, "Anna Komnene, Learned Women, and the Book," esp. 127–34.

³⁸ Cf. the proposal that the book which Mary is actually seen reading in Western medieval images "signifies prayer, probably spoken or murmured out loud, rather than simply reading" (L. Smith, "Scriba, Femina: Medieval Depictions of Women Writing," in *Women and the Book*, 22, reporting the opinion expressed by P. Saenger, "Books of Hours and Reading Habits of the Later Middle Ages," in *The Culture of Print: Power and the Uses of Print in Early Modern Europe*, ed. R. Chartier, trans. L. G. Cochrane [Princeton, 1987], 152–53).

³⁹ Vat. gr. 1162, fol. 90r (Stornajolo, *Miniature*, plate 36); Paris gr. 1208, fol. 120r (Omont, *Miniatures*, plate 15; in this case, the book on the Virgin's lap today appears blank); Hutter, *Die Homilien*, 141–43; Hutter and Canart, *Das Marienhomiliar*, 51–52. It is interesting to note that next to the Virgin the Holy of Holies is represented as a Christian sanctuary, with the Annunciation depicted on the sanctuary doors, as was often the case in Byzantine churches (noted by Hutter, as above, and G. Peers, *Sacred Shock: Framing Visual Experience in Byzantium* [University Park, Pa., 2004], 113–14). This detail not only indicates that through Mary the Old Covenant will be replaced by the New and the *Synagoga* will be superseded by *Ecclesia*; it also indicates that God hears the petition of Mary for her protection (as suggested by her psalter) so that later on she will hear his message about the Incarnation.

εἰς τέλος] (“[the spears] of the enemy have fail[ed utterly . . .]”). The enemy mentioned in this verse was traditionally interpreted as the devil. According to the inscription that accompanies the miniature, the devil’s machinations against the all-pure Virgin are unsuccessful and his army is utterly defeated.⁴⁰

- (2a) Joseph returns from a professional trip and finds Mary pregnant. She holds a book with a quotation from Ps 86:3, Δεδοξασμένα ἐλα-[λήθη περὶ σοῦ, ἡ πόλις τοῦ Θεοῦ] (“you were glorified, [O city of God . . .]”). The implication is that Mary is pure and holy like Zion, the city of God which in patristic literature was interpreted as a type of the Virgin.⁴¹
- (2b) Joseph looks troubled towards Mary, suspecting her of unchastity. She replies through her book, inscribed with Ps 44:12, καὶ ἐπιθυμήσι ὁ βασι[λεὺς τοῦ κάλλους σου] (“and the king will desire [your beauty . . .]”). The quotation implies that God, the heavenly king, and not a man, is Mary’s groom.⁴²

⁴⁰ “Οπως ἀοράτῳ δυνάμει συνετηρεῖτο ἡ ἀγία Παρθένος ἀβλαβῆς τῶν τοῦ πονηροῦ βελῶν” (“How the holy Virgin was kept unharmed from the wicked one’s arrows by an invisible force”). Vat. gr. 1162, fol. 92v (Stornajolo, *Miniature*, plate 37), with a slightly shorter text on Mary’s book (τοῦ ἐχθροῦ); Paris gr. 1208, fol. 123r (Omont, *Miniatures*, plate 15); Hutter, *Die Homilien*, 143–46; Hutter and Canart, *Das Marienhomiliar*, 52–53. The word ἐχθρὸς (enemy) was often used to refer to the devil and his demons in biblical and patristic literature. Cf. Luke 10:19, where Christ says to his disciples that he gave them the authority to defeat snakes, scorpions and every power of “the enemy.” The defeat of the “enemy” mentioned in Ps 9:7 was also interpreted as a reference to the devil. See, for example, Athanasius, *Vita Antonii* 41 (PG 26:904A) and *Expositio in Ps 9.7* (PG 27:85A); and John Chrysostom, *Expositiones in Psalmos* 9.4 (PG 55:127A).

⁴¹ Vat. gr. 1162, fol. 164v (Stornajolo, *Miniature*, plate 70), with a slightly shorter text (Δεδοξα[σ]μένα); Paris gr. 1208, fol. 217v (Omont, *Miniatures*, plate 26); Hutter, *Die Homilien*, 192; Hutter and Canart, *Das Marienhomiliar*, 76. It is worth noting that according to the Typikon of the Great Church (Hagia Sophia in Constantinople), Ps 86:3 was sung as *prokeimenon* on the vigil of 8 September, the feast of the Nativity of Mary; see *Le typicon de la Grande Église: Ms. Sainte-Croix n° 40, X^e siècle*, ed. and trans. J. Mateos, 2 vols. (Rome, 1962–63), 1:18.21.

⁴² Vat. gr. 1162, fol. 166r (Stornajolo, *Miniature*, plate 71), with a slightly shorter text (καὶ ἐπιθυμήσι ὁ βασι[λεὺς . . .]); Paris gr. 1208, fol. 219v (Omont, *Miniatures*, plate 26); Hutter, *Die Homilien*, 193; Hutter and Canart, *Das Marienhomiliar*, 77. Hutter observes that Ps 44 and especially verses 11–18 were often mentioned in patristic literature and used in the liturgy as prophetic references to the Virgin and her role in the Incarnation. For the liturgical usage, see especially *Le typicon de la Grande Église*, ed. Mateos, 1:20.18 (feast of Mary’s Nativity) and 1:372.1–2 (feast of Mary’s Dormition on 15 August). Iakobos the monk alludes to Ps 44:15 in his fourth homily to the Virgin, when he has Zachariah say to God that David’s prophecy was fulfilled when Mary entered the temple accompanied by pure virgins (Vat. gr. 1162, fol. 91r: “οὐ ταύτην προφητικῶς ὡς βασιλίδα δοξάζων παρθένων ἀγνῶν ὄδο-

In these four cases it could be assumed that the Virgin chants psalm verses as a source of inspiration and spiritual guidance, as any pious Christian would do under pressure or accusation. Memorizing the Psalter was a common devotional practice in Byzantium, and Church fathers frequently advised Christians to recite or chant specific psalms as means of guidance and inspiration when faced with danger or grief.⁴³ Patristic comments on the popularity of the Psalter among people of both sexes and all ages and social strata, and emphatic references to the significant role of the Psalter in the moral edification of the congregation suggest that the reading or chanting of psalms was considered above all a pious religious practice which often involved a high level of intellectual activity, but not in the modern sense of secular learning for learning's sake.⁴⁴ The use of one or two abbreviated words as references to specific psalm verses in the above Kokkinobaphos miniatures certainly presupposes that the reader would know the relevant psalms by heart in order to identify the references and appreciate the subtleties of scriptural exegesis which in all probability Iakobos himself arranged to be included in the miniatures. But this intellectual activity of psalm identification and interpretation was based above all on the appreciation of the Psalter as a repository of moral treasures and prophecies concerning the Incarnation, in other words, in the perception of the Psalter not as an instrument for intellectual exercise but as a religious text to be studied both by men and women for devotional and edifying purposes.

Indeed, one of the above Kokkinobaphos miniatures clearly emphasizes the central role of the Psalter in the struggle of all Christians against temptation

ποιουσῶν ταύτην ἐν τῷ ναῷ σου προέπεμψας τὴν τοῦ Δαυὶδ ἀποπληρῶν προφῆτείαν τῷ πρόγυματι . . .”).

⁴³ For patristic texts that recommend the use of the Psalter as a source of support during various situations in life, see especially Athanasius, *Epistola ad Marcellinum in interpretationem psalmorum* 10–25 (PG 27:20B–37B). See also J. A. Lamb, *The Psalms in Christian Worship* (Glasgow, 1962), esp. 27–30. For further literature, see Peers, *Sacred Shock*, 53 n. 66; and for an extensive reference to primary sources on the subject, see M. Evangelatou, “Biblical Scenes as Metaphors of Contemporary Life in the Byzantine Marginal Psalters,” *Proceedings of the Day-Study on Image and Text, the Theodore Psalter and Related Middle Byzantine Manuscripts, May 3rd 2003*, Institute of Byzantine Studies, Queen’s University, Belfast (forthcoming), esp. nn. 5–14.

⁴⁴ See, e.g., Athanasius, *Epistola ad Marcellinum* 12–25 (PG 27:24B–37B); Basil the Great, *Homilia in psalmum primum* 1–2 (PG 29:209A–213C); Gregory of Nyssa, *Tractatus in psalmorum inscriptiones* 1.3, 2.2–4 (ed. J. McDonough, *Gregorii Nysseni Opera* 5 [Leiden, 1962], 29–30, 71–82; trans. R. E. Heine, *Gregory of Nyssa’s Treatise on the Inscriptions of the Psalms: Introduction, Translation, and Notes* [Oxford, 1995], 87–88, 126–35, §§17, 10–48), and *In ascensionem Christi* (PG 46:689C); John Chrysostom, *In psalmum XLI* 2 (ed. E. Gebhardt, *Gregorii Nysseni Opera* 9 [Leiden, 1967], 323); and Theodoret of Cyrus, *Interpretatio in psalmos*, Preface (PG 80:857A–860A, 861B).

and sin: this is the miniature in which the Virgin's book is inscribed with a psalm verse referring to the defeat of "the enemy" and at the same time supernatural forces guard her and defeat the demons of the devil's army (plate 1b). The composition seems to illustrate the function of the Psalter as a weapon against the forces of darkness. Our understanding of the moral ideal expounded in this miniature can be enriched by two other miniatures of the Kokkinobaphos homilies which scholars have related to the composition under discussion because they also depict the sixty valiant ones.⁴⁵

The first of these illustrates a passage from the third homily of Iakobos, on the Entrance of the Virgin to the Temple, where Mary is praised as "the couch of Solomon, guarded all around by the sixty spear-bearing valiant ones."⁴⁶ The miniature presents the Virgin surrounded by sixty spear-bearing young men probably intended as angels, though without wings. She is walking on her way to the temple, accompanied by candle-bearing virgins, her parents, and the people of Israel. The inscription of this miniature reads "The couch which is surrounded by the sixty and should be perceived as the soul."⁴⁷ In other words, the inscription introduces an additional layer of meaning to both the image and the corresponding text: the Virgin is not only the instrument of the Incarnation and of human salvation but also the model of a virtuous soul which becomes the dwelling of Christ. It is significant that this concept is introduced as the Virgin is about to enter the temple: in a number of Byzantine homilies dedicated to this event, the writers prompt their audience to read the story as an analogy to their own path towards virtuousness, enlightenment, and salvation. The Virgin should be their model in this struggle for spiritual ascent which will eventually lead them in the true Temple, the kingdom of God.⁴⁸ In all likelihood Iakobos was aware of this textual tradition and

⁴⁵ The first scholar to notice the iconographic connection between these three miniatures was S. Der Nersessian, "Le lit de Salomon," in *Mélanges Georges Ostrogorsky. Recueil des travaux de l'Institut d'études byzantines* (Belgrade, 1963), 77–82, reprinted in her *Études byzantines et arméniennes* (Louvain, 1973), 49–54; see esp. 51. See also Linardou, "Couch of Solomon," 80–81.

⁴⁶ Iakobos of Kokkinobaphos, Homily 3.11 (PG 127:612A).

⁴⁷ "Κλίνην ύπο ἔξηκοντα κυκλουμένην, τ(ὴν) ψυχ(ὴν) νοητέον" (Vat. gr. 1162, fol. 64r, Stornajolo, *Miniature*, plate 26; Paris gr. 1208, fol. 86r, Omont, *Miniatures*, plate 11; Hutter, *Die Homilien*, 127–31; Hutter and Canart, *Das Marienhomiliar*, 44–45; see also Linardou, "Couch of Solomon," 80–81).

⁴⁸ See, for example, Peter of Argos, Λόγος εἰς τὰ Εἰσόδια τῆς Υπεροχήας Θεοτόκου 16 (ed. E. M. Toniolo, "Alcune Omelie mariane dei sec. x–xiv: Pietro d'Argo, Niceta Paflagonie, Michele Psellos e Ninfo Ieromonaco," *Marianum: Ephemerides mariologiae* 33 [1971]: 366.350–368.401: Mary's Entry to the Temple is the model which if imitated will lead to the path of God); Michael Psellos, Λόγος ὅτε προστηνέχθη ἡ Υπεροχήα Θεοτόκος εἰς τὰ Ἅγια τῶν Ἅγιων 9 (ibid., 394.147–61: if Christians imitate the Virgin and stand in front of the temple veil virtuous and merciful, one day they will be able to enter in the Holy of Holies

decided to follow it in a novel way (through the inscription of a miniature), which further reveals the close collaboration of text and image, author, and illustrator in the creation of these homiliaries. The dramatic shift of meaning introduced by the inscription leaves no doubt that it was planned by Iakobos himself and not by the painter.⁴⁹

The other instance in which a moral reading of the Virgin's story is prominently presented appears in relation to the frontispiece of the fourth homily, illustrating the couch of Solomon mentioned in the Song of Songs. Christ is lying on a royal bed, surrounded by the sixty valiant ones.⁵⁰ Once more, the inscription points to another layer of meaning, in addition to that of Marian typology. It reads "The couch of Solomon, which is guarded all around by sixty spear-bearing valiant ones. Seek the interpretation behind the leaf." The inscription refers to Iakobos's short exegetical text about the couch of Solomon, inserted in the three pages preceding the frontispiece. The first sentence of this exposition mentions both levels of interpretation that Iakobos expects his readers to identify in the imagery of Solomon's couch: "the couch represents first the all-holy Theotokos and then the soul of each of the saved ones." In the three pages that follow, Iakobos states that the Theotokos is the couch on which Christ the King and New Solomon lies; however, he devotes most of his exegesis to explaining the identification of the couch with the soul that receives the king and savior (Christ) and guards its virtue through sixty soldiers, twelve for each of the five senses, which in this manner are kept pure.⁵¹

and comprehend the divine mysteries); Neophytes of Cyprus, Λόγος εις τὴν παναγίαν Κόρην καὶ Θεομήτορα, ὀπτηνίκα ύπὸ τῶν αὐτῆς γονέων ἀπεδόθη εἰς τὰ Ἅγια τῶν Ἀγίων τῷετίζουσα 13 (ed. E. M. Toniolo, "Omelie e Catechesi mariane inedite di Neofito il Recluso (1134–1210 c.)," *Marianum* 36 [1974]: 234.401–15: Mary's entry in the sanctuary of the Jewish temple calls Christians to sanctify their own bodies and souls), and Εἰς τὴν εἴσοδον τὴν ἐν τῷ ναῷ τῆς Θεομήτορος· καὶ ὅτι τοὺς προεπταικότας ἀπογινώσκειν οὐ χοή, ἀλλ' εὐελπίστως ἀνίστασθαι 2–3 (ibid., 300–302: Christians should be taught from Mary's virtuousness, and purify themselves; for if a lifeless vessel can be cleaned and reused, God is even more bound to spare a living vessel if it is cleaned).

⁴⁹ For the close collaboration of Iakobos with the miniaturist of the Kokkinobaphos homiliaries, see Hutter, *Die Homilien*, 240–41. Anderson, "Illustrated Sermons," 101, says that Iakobos and the painter were so successful in their collaboration "that at times it almost seems as if the same man both wrote and illustrated the book"; see also Linardou, "Couch of Solomon," 75.

⁵⁰ Vat. gr. 1162, fol. 82v (Stornajolo, *Miniature*, plate 32); Paris gr. 1208, fol. 109v (Omont, *Miniatures*, plate 14). Hutter, *Die Homilien*, 233–41; Hutter and Canart, *Das Marienhomiliar*, 48–50. This miniature is extensively discussed by Linardou, "Couch of Solomon," esp. 74–75, 77 ff.

⁵¹ This short exegetical text appears in Vat. gr. 1162, fols. 80v–81v, and Paris gr. 1208, fols. 107v–108v. It is not published in PG or by Hutter, *Die Homilien*, but is reproduced in the facsimile edition, Hutter and Canart, *Das Marienhomiliar*, which I have used for the transcription of the text. Fol. 80v of the Vatican copy is reproduced by Stornajolo, *Miniature*, 22, 92. See also Linardou, "Couch of Solomon," 74–75, 77.

As K. Linardou has observed, this exegetical text mentions the triumph of virtue and spiritual alertness over “the dark enemies for whom the night and the darkness of desire becomes the right time to plot against souls”; and the same triumph of light over darkness is visually expressed in the Kokkinobaphos miniature in which angels repel demons back to hell, while the Virgin appears protected in the temple by the sixty valiant ones.⁵²

The miniatures in which Mary is guarded by the valiant ones on her way to the temple or is symbolized by the couch of Solomon, again under their protection, have an accompanying inscription and exegetical text that clearly present the Virgin as a model of virtue, since she is treated as a symbol of the pure Christian soul. The same idea is present, I believe, whenever Mary appears holding a book inscribed by psalm verses which comment on her purity and triumph over evil: she becomes the exemplary model for every Christian, who in imitation of her should guard his or her purity and fight against the forces of darkness armed by the weapons of Holy Scripture. That this idea was particularly important for Iakobos of Kokkinobaphos (following in the footsteps of earlier patristic literature) and very familiar to Eirene the Sebastokratorissa is amply demonstrated by their correspondence. I will now turn to these letters in order to draw some conclusions on the function of books in the Kokkinobaphos miniatures and on the purpose the homiliaries themselves were destined to serve.⁵³

It should be noted that a number of Iakobos’s letters to Eirene have as their main subject scriptural exegesis. For example, scholars have observed that Iakobos often mentions in his letters to the Sebastokratorissa the Marian or Christological references that according to Christian thinking can be detected in the Song of Songs. He guides her mind to perceive the imagery present in the poetry as an allegory of the Incarnation.⁵⁴ In his fourteenth letter, Iakobos admonishes Eirene to study Scriptures continuously and to bear in mind that she must do it attentively in order to comprehend their deeper spiritual message and taste their fruits of virtuous teaching: “My lady, I plead with you once again to study Scriptures and be careful in your reading and search in every possible way if there could be an expression superior to superficial understanding, guiding the intellect of your royalty towards more divine and spiritual concepts.”⁵⁵ The writer could have used the same words to counsel

⁵² Linardou, “Couch of Solomon,” 82.

⁵³ See n. 12 above for information on the manuscript that contains these letters and on the edition of the text.

⁵⁴ See Linardou, “Couch of Solomon,” 84, with references to earlier literature.

⁵⁵ Paris gr. 3039, fols. 61v–62r: “Δέσποινά μου παρακαλώ οὖν καὶ πάλιν τὴν / βασιλείαν σου, διερευνῶν ἀεὶ τὰς θείας γραφάς· καὶ προσέχειν τῇ ἀναγνώσει καὶ κατὰ πάντα τρόπον ἀνιχνεύειν εἴ που τις εὑρεθείη λόγος τῆς προχείρου κατα-

Eirene on the proper way of contemplating the images of the two Kokkinobaphos homiliaries. There again, the reader should reach beyond the surface and interpret certain elements of the visual text as referring to higher realities, through an exegetic approach similar to the one that Iakobos employs on the Song of Songs.

In his thirty-fifth letter to Eirene, Iakobos praises the continuous thirst of the Sebastokratorissa for the “divine waters” of Scriptures and he presents her with a book which he advises her to read attentively and “in depth” in order to get the most out of it: “When a treasure is stepped underfoot, it does not demonstrate its wealth; one must first dig through the ground and descend in depth in order to find its riches. The same is true with this book: reading is not enough in order for the treasures of virtue to be revealed, if your royalty does not investigate in depth. . . .”⁵⁶ Once again, we can imagine that Iakobos would have used the same words to instruct Eirene on how to read his illustrated homilies on the Virgin. In that case, his advice to dig deep down for the hidden treasures included in the book would have been especially appropriate for the interpretation of the miniatures accompanying his text.

It is very tempting to hypothesize that in this letter Iakobos is indeed presenting to Eirene a book containing his Marian homilies. This is suggested by the fact that he juxtaposes the everyday letters (*αἱ βιωτικαὶ ἐπιστολαῖ*), presumably his letters to the Sebastokratorissa, with the book he is presenting her: the monk is saying that whatever moral or theological issues he mentions in a rather cursory way in his letters he has presented more formally and elaborately in his book.⁵⁷ The problem is that Iakobos is full of praises for this book, and one wonders if he would refer to his own homilies in these terms.⁵⁸

νοήσεως ὑψηλότερος, ἐπὶ τὰ θειότερα τε καὶ ἀσώματα χειραγωγῶν, τῆς βασιλείας σου τὴν διάνοιαν.”

⁵⁶ Ibid., fols. 171r–172r: “Οἶδα γὰρ ὅτι συνεχῶς τῶν θείων ναμάτων ἀπολαμβάνουσα ἡ βασιλεία σου, οὐδέποτε ἐμπιπλᾶται δια τοῦτο καὶ ἡ παρούσα βίβλος, ὑπόθεσίς ἐστιν ἀρετῆς διδασκαλείον γέμον φιλοσοφίας. Εἰσελθε οὖν λοιπὸν τῶν προ/θύρων ἔσω δέσποινά μου· καὶ εὐθέως καθάπερ τις αὔρα πνευματικὴ περισταταί σου τὴν ψυχήν· καὶ εἰς εὐφροσύνην ἄξει· καὶ διδάξει φιλοσοφεῖν· ἀναστήσει τε τὸ φρόνημα καὶ μεταστήσει σε ἀπὸ γῆς εἰς τὸν οὐρανόν. Ἐν μὲν γὰρ ταῖς βιωτικαῖς ἐπιστολαῖς αἱ προσρήσεις ἀπλῶς γίνονται μόνον· ἐνταῦθα δέ, οὐχ οὕτως, ἀλλὰ πολλῆς σοφίας γέμει τὸ βιβλίον. Καὶ γὰρ θησαυρὸς ἄνωθεν πατούμενος, οὐκ ἐνδείκνυται τὸν πλοῦτον αὐτοῦ· ἀλλὰ / χρὴ διορύξαι πρῶτον αὐτὸν καὶ καταβῆναι κάτω, καὶ οὕτως ἀπασαν τὴν εὐπορίαν εύρειν. Οὕτως καὶ ἐπὶ τοῦ βιβλίου τούτου οὐκ ἀρκεῖ μόνον ἡ ἀνάγνωσις δεῖξαι τὸν τῶν ἀγαθῶν θησαυρόν, ἀν μὴ διευρευνήσῃ ἡ βασιλεία σου τὸ βάθος. . . .”

⁵⁷ See the previous note for the whole context of the phrase beginning “Ἐν μὲν γὰρ ταῖς βιωτικαῖς ἐπιστολαῖς. . . .”

⁵⁸ In the passage cited in n. 56, Iakobos says twice that the book is full of wisdom, and he also says that it can carry Eirene’s intellect from earth to heaven. See also n. 60 below.

In discussing the way Scriptures should be read, with attention to its multiple meaning,⁵⁹ he says that God is speaking through “this book” he gives to Eirene,⁶⁰ which makes it possible that he is referring to a manuscript with biblical or patristic content. On the other hand, he praises Eirene for favorably receiving the words of his “lowliness,” even though in her majesty and superiority she admires texts of much higher value.⁶¹ Is he referring here just to his letters or also to this mysterious book he is presenting her? One might also suppose that the book Iakobos is offering to Eirene was one that she herself had requested to be made or bought at her expense. Books were extremely costly objects in Byzantium, even when they did not contain illustrations, and it is rather unlikely that a monk could afford the cost of such a gift to the Seb astokratorissa.⁶² It is therefore possible that Iakobos is writing to Eirene about a book he produced on her request, like his illustrated homilies on the Virgin, but there is no way of proving this hypothesis, no matter how attractive it might be.

Iakobos’s reference to reading as digging layers of earth in order to discover a treasure is a fitting metaphor for the reading of the Kokkinobaphos miniatures, where the mystery of the Incarnation and Mary’s prominent role in it are not the only layers of meaning. As already suggested, there are references in both the text and the imagery that point to an additional message: the obligation of Christians to serve the will of God and safeguard their virtuousness against all dark forces by following Mary’s example and reading Scriptures. In this letter in which he presents Eirene with the enigmatic book “full of wisdom,” Iakobos emphasizes the idea that Scriptures, as well as the book in question, are a powerful weapon against sin, temptation, and all the forces

⁵⁹ Paris gr. 3039, fol. 173v: “Οὔτω δὴ καὶ ἐπὶ τῶν θείων γραφῶν ἀν μίας όήσεως δύναμιν ἀναπτύξαι θελήσης, πολλήν . . . παρέξει πνευματικῆς ἀπορίας ὑπόθεσιν.”

⁶⁰ Ibid., fol. 174v: “Καὶ γὰρ ἡ ψυχὴ ἐν ιεροῖς ἀδύτοις καθαίρεται καὶ βελτίων γίνεται τοῦ Θεοῦ ὄμιλοῦντος αὐτῇ διὰ τῆς βίβλου ταύτης.”

⁶¹ Ibid., fol. 176r: “. . . ἀλλὰ θαυμάζεις μέν, τὰ πολλήν ἔχοντα ύπεροχήν, προσίεσαι δὲ καὶ τὰ τῆς ἡμετέρας εὐτελείας όήματα.”

⁶² The cost of parchment seems to have been exceptionally high according to Byzantine sources; the lack of good-quality parchment even in Constantinople is evident especially from the twelfth century onwards. The illustration of a book, especially when abundant use of gold leaf is made (as in the Kokkinobaphos homiliaries), would obviously raise the cost even further. See N. G. Wilson, “Books and Readers in Byzantium,” in *Byzantine Book and Bookmen: A Dumbarton Oaks Colloquium, 1971* (Washington, D.C., 1975), 2–4; and V. Kravari, “Note sur le Prix des Manuscript (IX^e–XV^e siècle),” in *Hommes et richesses dans l’Empire byzantin, tome II, VIII^e–XV^e siècle*, Réalité Byzantine 3, ed. V. Kravari, J. Lefort, and C. Morrisson (Paris, 1991), 375–84. Given the high cost of manuscripts in Byzantium, the lending of books among owners was a common practice (Wilson, “Books and Readers,” 6). It is therefore possible that Iakobos is referring to a book that he was lending to Eirene from the library of his monastery.

of darkness that fight to prevent the salvation of human souls. Iakobos exhorts Eirene, “Let us not neglect the ownership of the divine books,” in order to avoid being inflicted with serious wounds (by the devil); as “royal weapons” held in a house prevent robbers from attacking it, likewise “wherever spiritual books are kept, any diabolic energy is chased away. . . .”⁶³ This is the way Eirene should use the book Iakobos is presenting her, as a weapon against dark forces. “Instead of a large walking stick, instead of a weapon and a locket, instead of ineffable treasures,” Eirene should keep this book with her, wherever she is, for whenever she opens it at any part of the text, she will see rivers (of wisdom) flowing from it and she will avoid the machinations of the devil.⁶⁴ Whether the book mentioned in this letter is indeed one of the illustrated Kokkinobaphos homiliaries or not, the miniature in which the Virgin is protected from demons by a host of angels as she holds a psalter seems a perfect illustration of Iakobos’s admonitions regarding the study of Scriptures. In this image, Mary is not only the advocate of scriptural reading and the model the Sebastokratorissa Eirene should imitate but also the mirror image of anyone looking at her while reading the Kokkinobaphos homiliary: as she is protected from evil while holding the psalter, so is the reader of the homiliary who studies Iakobos’s account of the virtue and purity of the Theotokos. This miniature can be considered emblematic of the way Iakobos wanted his illustrated homiliaries to be perceived: as instruments of moral guidance and weapons against dark forces, through the presentation of the Virgin as a model for the Christian soul.

This message is particularly prominent in the exposition on the couch of Solomon and in the two miniatures that present the Virgin guarded by the sixty valiant ones, but the same reading could perhaps be applied to the whole text and illustration of the homiliaries, especially from the third homily onward, where the Virgin’s public life begins. From that point she can be perceived as the model of any soul that strives to stay on the path of virtue leading to the heavenly kingdom (third and fourth homilies, on the entrance in

⁶³ Paris gr. 3039, fols. 172v–173r: “Μὴ τοίνυν ἀμελῶμεν τῆς κτήσεως τῶν θείων βιβλίων, ἵνα μὴ περὶ τὰ καίρια δεξώμεθα τὴν πληγήν. Ωσπερ γάρ ἐνθα ἀν ἡ ἀποκείμενα ὅπλα βασιλικά, κὰν μηδεὶς ἡ ὁ κεχομένος, πολλὴν παρέχει τοῖς ἐνδόν οἰκουσι τὴν φυλακήν, οὔτε ληστῶν, οὔτε τοιχωρύχων, οὔτε ἄλλου τινὸς τῶν κακουργούντων τολμῶντος ἐπιβῆναι τῆς οἰκίας: ούτως ἐνθα ἀν ἡ βιβλία πνευματικά, πᾶσα ἐκεῖθεν ἐλαύνεται ἐνέργεια διαβολική.”

⁶⁴ Ibid., fols. 174v–175r. Immediately after the phrase cited in n. 60, where Iakobos claims that God is speaking through “this book” that he is presenting to Eirene, he writes, “Διὸ καὶ σὺ ὃ δέσποινά μου ἀντὶ βακτηρίας μεγάλης, ἀντὶ ὅπλου καὶ ἀσφαλείας, ἀντὶ θησαυρῶν ἀφάτων ὅπουπερ ἀν ἡς διάγουσσα μεθ’ ἑαυτῆς περίφερε ταύτην διότι ἐνθα ἀν διανοίξῃ ἡ βασιλεία σου, ποταμούς ἐξιόντας ὥψει πολλοὺς· καὶ φεύξει τοῦ διαβόλου τὰς μεθοδείας.”

the temple and the betrothal to Joseph), obediently follows the will of God (fifth homily, on the Annunciation), and overcomes slander and abuse through steadfast virtuousness and piety (sixth homily, extensively referring to the accusations against Mary and Joseph, and their final absolution).

It should be noted at this point that in Byzantine culture it was very common to use biblical figures, from Moses and David to Christ and the saints as models of behavior. Their struggles against evil were regularly used as types, metaphors, and analogies of the struggles that every Christian individually or the Christian Church and the Byzantine empire collectively had to fight against enemy forces. Such a typological/moral reading of the biblical past was a basic element in scriptural exegesis, Church and state ceremonial, and imperial art and panegyrics, and it is most probable that it was regularly applied in the interpretation of religious art as well (even in contexts independent from imperial patronage). In other words, the Byzantine viewers were accustomed to perceiving in biblical stories a moral message and a didactic analogy to their own lives.⁶⁵ The moral meaning Iakobos is inserting in his Marian homilies is not at all exceptional in the context of Byzantine culture, and Eirene must have been familiar with it. A question worth asking is whether the two lavish Kokkinobaphos manuscripts were not only created as instruments of Eirene's Marian devotion and moral guidance but also intended to promote a specific connection between the Sebastokratorissa and the Virgin, and in this way to outline a particular profile for Eirene. Obviously, if such an agenda was at work, it would have influenced the way the Virgin is presented—in order for her to function as a mirror for the Sebas-

⁶⁵ See H. Maguire, "The Art of Comparing in Byzantium," *The Art Bulletin* 70 (1998): 88–103, on the typological use of the biblical past as a metaphor for the Byzantine present and the importance of comparison as a basic form of expression in Byzantine society. See also R. F. Taft, "The Liturgy of the Great Church: An Initial Synthesis of Structure and Interpretation on the Eve of Iconoclasm," *Dumbarton Oaks Papers* 34–35 (1980–81): 45–75, esp. 59–65. On the extensive use of biblical typology in the ceremonies, literature, and art related to the Byzantine imperial ideal, and the perception of Byzantium as the New Israel, see A. Grabar, *L'empereur dans l'art Byzantin* (Paris, 1936), 93–97; G. Dagron, *Emperor and Priest: The Imperial Office in Byzantium*, trans. J. Birrell (Cambridge, 2003), esp. 50, 199–200; B. Flusin, "Constuire une nouvelle Jérusalem: Constantinople et les reliques," in *L'orient dans l'histoire religieuse de l'europe: L'invention des origines*, ed. M. A. Amir-Moezzi and J. Scheid, Bibliothèque de l'École des hautes études, section des sciences religieuses 110 (Turnhout, 2000), 51–69; and, for further bibliography, J. F. Haldon, *Byzantium in the Seventh Century: The Transformation of a Culture* (Cambridge, 1990), 362 n. 100. See also M. Evangelatou, "Biblical Scenes as Metaphors of Contemporary Life" (forthcoming, as in n. 43 above). On the importance of "analogical interpretation" in late antique and medieval culture, see also M. Schapiro, "The Joseph Scenes on the Maximianus Throne in Ravenna," *Gazette des Beaux-Arts* 40 (1952): 27–38, reprinted in his *Late Antique, Early Christian, and Medieval Art: Selected Papers* (London, 1980), 34–47, esp. 42–43.

kratorissa. Anderson's suggestion that the book frequently represented in Mary's hands in the Kokkinobaphos miniatures alludes to the learned ideal embraced by Eirene could be an answer to this question. It is true that the images discussed above seem to present the study of Scriptures as a moral and devotional practice important for the salvation of all Christians, men and women alike, and do not seem to address literary interests specific to Eirene and other highly educated women of the Komnenian aristocracy. The Sebastokratorissa's multifaceted interest in books and their various uses might, however, have been the catalyst which led to such a prominent depiction of the Christian ideal of Scripture-reading through the powerful advocacy of the Virgin Mary.

Once again Iakobos's letters could provide us with clues about any intended connection between the Virgin Mary and the Sebastokratorissa Eirene in the Kokkinobaphos homiliaries. I have already suggested that through the miniatures, the inscriptions, and the text of these two codices Iakobos instructs the reader to view Mary as the model every virtuous Christian should strive to imitate. In his letters to Eirene, Iakobos seems to promote a specific association of the Sebastokratorissa with the Theotokos: he addresses Eirene with terms and expressions that are very reminiscent of the way Mary herself is addressed in the literary tradition of Byzantium. In his third letter to Eirene, for example, Iakobos says that the Sebastokratorissa is more honorable than the whole of creation, the moon, the sun, and the stars, because they are not the image of God, as she is. She is "the likeness of the incorruptible beauty, the seal mark of the true divinity, the vessel of the blessed life, the mould of the true light." Iakobos exhorts Eirene to identify herself with this light, to become like the one who is shining in her (Christ).⁶⁶ In another letter to her, Iakobos claims that God has made Eirene participant of his beauty, and

⁶⁶ Paris gr. 3039, fols. 4v–5r: "... γνῶθι πόσον ὑπὲρ τὴν λοιπὴν κτίσιν παρὰ τοῦ πεποιηκότος τετίμησαι· οὐκ οὐρανὸς γέγονεν ἡ εἰκὼν τοῦ θεού· οὐ σελήνη· οὐχ ἥλιος· οὐ τὸ ἀστρων κάλλος· οὐκ ἄλλον τι τῶν κατὰ τὴν κτίσιν φαινομένων οὐδέν· μόνη σὺ γέγονας τῆς ὑπερεχούσης πάντων οὐρανίων (?) φύσεως ἀπεικόνισμα· τοῦ ἀφθάρτου κάλλους ὁμοίωμα· τῆς ἀληθινῆς θεότητος ἀποτύπωμα· τῆς μακαρίας ζωῆς, δοχεῖον· τοῦ ἀληθινοῦ φωτὸς ἐκμαγεῖον· πρὸς ὁ βλέπουσα ἐκεῖνον γίνη, ὅπερ ἐκεῖνός ἔστι· μιμουμένη τὸν ἐν σοὶ λάμποντα, διὰ τῆς ἀντιλαμπούσης αὐγῆς ἐκ τῆς σῆς καθαρότητος...." Compare the reference to the Virgin as a vessel and container of divinity in Byzantine hymns and homilies and in a few Byzantine representations of the Annunciation and the Dormition. See, for example, S. Eustratiades, *Η Θεοτόκος ἐν τῇ ὑμνογραφίᾳ* (Paris, 1930), 18–19 (δοχεῖον), 38 (κρατήσῃ). For extensive references to the textual sources and analysis of the visual material, see Evangelatou, "Purple Thread," 266–69, esp. 267, and "The Symbolism of the Censer in Byzantine Representations of the Dormition of the Virgin," in *Images of the Mother of God: Perceptions of the Theotokos in Byzantium*, ed. M. Vassilaki (Aldershot, 2005), 117–25, esp. 121–22.

nothing can be compared to her, for she contains the one who holds creation in his hand. As God's abode, she is greater than the heaven, the earth, and the sea.⁶⁷ Eirene is the spotless Jerusalem, the well of the living water, the container of the uncontainable;⁶⁸ she is the closed garden and the sealed fountain.⁶⁹ It seems that in all these instances the idea underlying Iakobos's praises is the privileged position of human beings in the whole creation: they alone are made in the image and likeness of God, and they alone can contain the Logos through participation in the mystery of the Eucharist and through con-

⁶⁷ Paris gr. 3039, fols. 17r–18r: “... διότι καλὴν οὖσαν ὁ θεὸς ἡγάπησε· καὶ τὸ ἴδιον κάλλος πρὸς σὲ ἀνταλλαξάμενος, κοινωνόν σε τοῦ ἑαυτοῦ κάλλους ἀπειργάσατο ... ὁ πᾶσαν τῇ παλάμῃ περισφίγγων τὴν κτίσιν, ὅλως σοι χωρητὸς γίνεται καὶ ἐν σοὶ κατοικεῖ, καὶ οὐ στενοχωρεῖται τῇ σῇ φύσει ὁ εἰπών, ὅτι ἐνοικήσω ἐν αὐτοῖς καὶ ἐμπεριπατήσω ἔαν γοῦν πρὸς ταῦτα ἀεὶ ἀσχολῆται ἡ βασιλεία σου, εἰς οὐδὲν τῶν περιγείων τὸν ὄφθαλμὸν ἐπιβάλῃς· καὶ τὶ τοῦτο λέγω ἀλλ' οὐδὲ ὁ οὐρανὸς θαυμαστός σοι νομισθήσεται πῶς γὰρ σὺ θαυμάσεις τοὺς οὐρανοὺς ἑαυτὴν βλέπουσα τῶν οὐρανῶν μονιμοτέραν· οἱ μέν, γάρ, παρέρχονται σὺ δὲ τῷ ἀεὶ ὅντι συνδιαμενεῖς πρὸς τὸ ἄιδιον· οὐ θαυμάσεις πλάτη γῆς οὐδὲ πελάγη πρὸς ἄπειρον ἐκτενόμενα ἀντὶ ἐπιστατεῖν ἐτάχθης· ὥσπερ τίνος ξυνωρίδος πῶλων ἡνίοχος, εὐπειθῆ πρὸς τὸ δοκοῦν ἔχουσα τὰ στοιχεῖα ταῦτα καὶ ὑπεξούσια· ἡ τε γὰρ γῆς σοι πρὸς τὰς τοῦ βίου χρείας ὑπηρετεῖ, καὶ ἡ θάλασσα καθάπέρ τις πῶλος εὐήνιος ὑπέχει σοι τὰ νῶτα.” Cf. Eustratiades, *H Θεοτόκος*, 85–86 (χώρα, χωρήσασα, χωρίον).

⁶⁸ Paris gr. 3039, fols. 117v–120r (Letter 23): “Διὰ τοῦτο ἡ βασιλεία σου ὅταν μόνη τῇ θεωρίᾳ τοῦ ὄντος εὐφραίνεται διὰ τῶν θείων μαθημάτων ... πᾶσαν σωματικὴν κατακοιμίσασα κίνησιν, γυμνῇ τὲ καὶ καθαρᾷ τῇ διανοίᾳ διὰ τῆς θείας ἐγρηγόρσεως, δέχεται τοῦ θεοῦ τὴν ἐμφάνειαν· καὶ οὕτως πρὸς τὸ θεῖον ἐκεῖνο καὶ ἀόριστον κάλλος βλέπει ὅσον ἐφικτόν ἐστι τῇ ἀνθρωπίνῃ φύσει ... πηγάζει κήπους· φρέαρ γίνεται ὑδατος ζῶντος· ὅλη καλὴ καὶ ἄμωμος γίνεται κατὰ τὴν μαρτυρίαν τοῦ λόγου ... ἡ τοίνυν τοῖς τοιούτοις κάλλεσι μορφωθεῖσα ψυχή σου, ωραία γίνεται ὡς ἡ ἄμωμος Ιερουσαλήμ· ἡ γὰρ χωρήσασα ἐν ἑαυτῇ τὸν ἀχώρητον· ὥστε ἐνοικεῖν αὐτῆς καὶ ἐμπεριπατεῖν τὸν θεὸν· τῇ ωραιότητι τοῦ ἐν αὐτῇ κατοικοῦντος καλλωπισθεῖσαν, Ιερουσαλήμ ἐπουρανίος γίνεται.” Cf. Eustratiades, *H Θεοτόκος*, 35 (κήπος), 60–62 (πηγάζουσα, πηγή), 83 (φρέαρ), 85–86 (χώρα, χωρήσασα, χωρίον).

⁶⁹ Paris gr. 3039, fols. 137r–139v (Letter 27): “... ὅτι κήπος κεκλεισμένος καὶ πηγὴ ἐσφραγισμένη, διὰ τῆς σοφίας ἐγένουν ... οὐ γὰρ μόνον κήπος κεκλεισμένος ἐγένουν ἀλλὰ καὶ πότιμος εἰς πηγῆς φύσιν μετατεθεῖσα· καὶ ταύτης ἐσφραγισμένης ὡς ἐκ τοῦ στόματός σου βλαστάνειν παράδεισον.” Cf. Eustratiades, *H Θεοτόκος*, as above (n. 68), and pp. 56–57 (παράδεισος). The characterizations of Eirene as the closed garden, the sealed fountain, and the well of the living water derive from the Song of Songs 4:12–15, where they are used to describe “the bride.” Although in Byzantine exegetical literature on the Song of Songs, this bride was not interpreted as a type of the Virgin before the fourteenth century (Linardou, “Couch of Solomon,” 77), it seems that such an interpretation was present in Byzantine Marian literature from a much earlier date. See, for example, the fifth-century homily of Proclus of Constantinople, *Oratio VI, De Laudibus s. Mariae* 17 (PG 65:756B): “Αὕτη ἡ καλὴ τῶν Ασμάτων νύμφη, ἡ τὸν παλαιόν χιτῶνα ἀποδυσαμένη καὶ τοὺς νομίμους πόδας ἀποπλυναμένη καὶ μετὰ αἰδοῦς τὸν ἀφθαρτὸν νυμφίον ἐν τῷ αὐτῆς ταμιείῳ ὑποδεχομένη.” On the particular interest of Eirene and Iakobos in the exegesis of the Song of Songs, see Linardou, “Couch of Solomon,” esp. 74–77, 83–85.

tinuous contemplation and dedication of mind and soul to God.⁷⁰ It is, however, not without significance that in these praises Iakobos uses expressions directly drawn or inspired from the Marian literature of Byzantium. In order to elevate Eirene and describe her privileged position both as human and as a member of the imperial family, he compares her—indirectly, but also very clearly—to the Queen of Heaven.⁷¹

It is most probable that Iakobos expected Eirene to recognize the Marian allusions of his praises. Was he using them just to produce an eloquent and flattering eulogy, or was he really expecting Eirene to be (or to become) a living icon of the Virgin, embodying Marian virtues to the extent a pious princess could do so? Both intentions could be at work at the same time. Praising a Byzantine lady in terms that would more or less explicitly associate her with the Virgin was a well-known practice in Byzantine literature.⁷² The formulaic and rhetoric nature of Iakobos's praises becomes more apparent if we consider that in a different literary and cultural context the same Sebastokratorissa was praised with terms relating her not to the Theotokos but to goddesses of ancient Greek mythology. In other words, the vocabulary of praise was related not only to the qualities but also to the different roles and aspirations that a person assumed in different contexts. In a poem dedicated to Eirene, the so-called Manganeios Prodromos calls her "mistress of the Muses and Muse Kalliope," "lustrous child of Hermes," and "sweet-singing Siren."⁷³

⁷⁰ See n. 68 above for a reference to contemplation. Iakobos does not make a specific reference to the Eucharist in the passages cited in nn. 66–69 above, but expressions like "τῆς μακαρίας ζωῆς, δοχεῖον" (n. 66) and the general idea of Eirene as a container of the Logos could be related to the union with God accomplished through the Eucharist.

⁷¹ In the passage mentioned in n. 67, Iakobos describes Eirene as having power over land and sea; this might not be only a general reference to the idea that humans rule over the earth as the only ones made in the image and likeness of God; it could also refer to the idea of imperial dominion to which Eirene could be associated through her relationship with the imperial family. See n. 80 below, for the use of the terms βασιλισσά and βασιλεία by authors of the twelfth century who address Eirene or other Komnenian princesses.

⁷² See, for example, the parallels drawn by Proclus between the empress Pulcheria and the Virgin (Constas, "Weaving the Body of God," 188–90, and *Proclus*, 347–51). Psellos addresses the empress Aikaterina, wife of Isaac I Komnenos by paraphrasing Ps 44:14, which was understood as a reference to the Virgin. The psalm reads "πᾶσα ἡ δόξα αὐτῆς θυγατρὸς βασιλέως ἔσωθεν ἐν κροσσωτοῖς χρυσοῖς περιβεβλημένη πεποικιλμένη," and Psellos describes the empress as ". . . ἡ χρυσοῖς κροσσωτοῖς τῶν ἀρετῶν περιβεβλημένη, πεποικιλμένη. . ." See L. Garland, "'The Eye of the Beholder': Byzantine Imperial Women and Their Public Image from Zoe Porphyrogenita to Euphrosyne Kamaterissa Doukaina (1028–1203)," *Byzantion* 64 (1994): 19–39, at 37.

⁷³ Theodore Prodromus, *De Manganis* 2.1–3 (ed. S. Bernardinello [Padua, 1972], 32): "Ἀκουσον, δέσποινα Μουσῶν καὶ Μούσα Καλλιόπη, / Ἐρμοῦ λαμπρὸν τιθήνημα, γλῶσσα μεστὴ χαρίτων, / μέλιττα λόγων Αττική, Σειρήν ἐμμελεστάτη."

The same poet also addresses her in terms of Christian piety, for example as “imitator of Christ.”⁷⁴ It is well beyond the scope of this paper to examine to what extent such expressions carry specific messages about the status and cultural expectations of the persons addressed. Here I will only suggest that these are not conventional formulas void of significance; when certain expressions become *topoi* it is because they serve the communicative needs and aspirations of a culture.⁷⁵ The point to be noted here is that a secular poet like Prodromos can easily use both pagan and Christian praises, but Iakobos the monk extensively uses just the latter. Ancient Greek culture is evident in his praise of Eirene only insofar as he makes reference to pagan philosophers and rhetoricians like Plato and Demosthenes.⁷⁶

By using “Marian terminology” to address Eirene, Iakobos was in a way expressing his expectations about the *Sebastokratorissa* and was presenting her with the moral standards she should follow. After all, he was her spiritual advisor. In a similar way, his illustrated homilies on the Virgin must have been intended as a means of moral guidance and edification—next to being instruments of Eirene’s Marian devotion. Of course we can only hypothesize as to the ways and the extent to which Eirene would have related to the holy (and in reality unattainable) ideal presented by the Virgin, but in some cases the *Sebastokratorissa* could have seen quite a close connection between herself and the Theotokos. For example, the text and images of the sixth Kokkinobaphos homily referring to the accusations of unchastity directed by the Jews against Mary could have reminded Eirene of the slander she herself had faced in a period of her life. We do not know the nature of the accusations formulated against her, but through Iakobos’s references in his correspon-

⁷⁴ Ibid. 1.3 (ed. Bernardinello, 29): “. . . δέσποινα χριστομίμητε. . . .” Byzantine authors often use praises inspired by both pagan and Christian tradition to refer to the same person. For example, Anna Komnene praises at length the Christian virtues of her mother and mentions her study of the Christian fathers, but she also compares her beauty to that of Athena. See Reinsch, “Women’s Literature in Byzantium,” 87, 90–91.

⁷⁵ On the perceptive and meaningful use of *topoi* of ancient literature by Byzantine authors, see H. Maguire, “Originality in Byzantine Art Criticism,” in *Originality in Byzantine Literature, Art, and Music*, ed. A. R. Littlewood (Oxford, 1995), 101–14. The issue of the use of *topoi* in Byzantine literature is a complex one and the literature on it is quite extensive. See, for example, L. James and R. Webb, “‘To Understand Ultimate Things and Enter Secret Places’: Ekphrasis and Art in Byzantium,” *Art History* 14 (1991): 1–17; L. James, “Senses and Sensibility in Byzantium,” *Art History* 27 (2004): 522–37, esp. 531–33, and *Light and Colour in Byzantine Art* (Oxford, 1996), 117–18, 131, with reference to further literature, and the suggestion that “clichés only become such because they encapsulate a pertinent, complex structure of thought particular to a given society.”

⁷⁶ See, for example, Paris gr. 3039, fols. 30v and 202v (“. . . ἔλεγον γὰρ ὡς ίκανή ἐστι τὴν Πλάτωνος σοφίαν καὶ Δημοσθένους δεινότητα, τῇ περὶ τοὺς λόγους εὐμα-θείᾳ . . .”).

dence with her we know that the Sebastokratorissa was deeply troubled by them.⁷⁷ M. and E. Jeffreys have suggested that Eirene was of Norman origin and have proposed that she was accused of being pro-Norman in a period when the Normans were causing serious problems to Byzantium.⁷⁸ Another possibility is that she was accused of plotting against her brother-in-law, Emperor Manuel I, with the intention of promoting her own son John to the throne. The Sebastokratorissa's hopes to see her son become emperor might have been reinforced by the fact that Eirene's husband was the second son of the emperor John II, while Manuel I was his fourth son and did not have any male children while Eirene was alive.⁷⁹ Whatever the reason for which Eirene was slandered, the divinely approved absolution of Mary from the unjust accusations directed against her could have worked as a comforting and at the same time defensive model for the Sebastokratorissa, offering her encouragement, moral support and confidence against her accusers.

⁷⁷ References to these slanderous accusations and to the accusers (compared to Christ's trial and crucifiers respectively) and to Eirene's triumph over them with God's help, can be found, for example, in Letter 8, Paris gr. 3039, fols. 27v–28r (“... ὅτι παντελῶς εἰσὶν ἄθλιοι οἱ μέντοι τὸ καινὸν τοῦτο δρᾶμα τῆς καθ' ὑμῶν βλασφημίας συνθέντες, ἐοίκασι παντελῶς ἀπιστεῖν τῷ κυρίῳ. ... Τίνι οὐκ ἀν φοίκην καὶ ἀποστροφὴν παντελῇ τῶν ανδρῶν οὐκ ἐποίησαν, κατετόλμησαν πράξεων, ὃν ὁ παρελθόν χρόνος οὐκ ἔχει τὰ ὑποδείγματα πῶς οὖν δυνατὸν πράως φέρειν ἡμᾶς τὰ τοιαῦτα, τάχα τούτο λυπηρὸν αὐτοῖς, ὅτι τῇ πονηρίᾳ αὐτῶν ὁ θεὸς ἀδυναμίαν συνῆψε· καὶ τῆς αἰώνιας τῶν δικαίων τιμῆς ἔαυτοὺς ἀπεστέρησεν. Ιούδας γὰρ τὸν δί’ ἀγχόνης θάνατον τοῦ μετ’ αἰσχύνης ζῆν προτιμήσας, ἔδειξε τάχα τῶν νῦν ἀπερυθριασάντων πρὸς πάντας ἀνθρώπους κατάγνωσιν· καὶ διὰ τούτο ἀναιδῶς πρὸς αἰσχρὰ διακείμενοι χριστέμποροι οἱ τοιοῦτοι καὶ οὐ χριστιανοὶ λεγέσθωσαν ...”); Letter 37, fols. 205r–206r (“... ἀλλ’ ἡ βασιλεία σου τεθωρακισμένη οὖσα τῇ ἀοράτῳ καὶ θείᾳ δυνάμει τοῦ θεοῦ, ἀπρόσμαχος καὶ ἀγήτητος φυλαχθείη καὶ ἀσινής τῆς τούτων σκολιάς καὶ δολίου ἐπιχειρήσεως... οἱ δὲ ἀλιτήριοι μακρὰν ὄντες τῆς ἀληθείας, δολερῶν μηχανημάτων πλήρη, τὴν ψυχὴν ἔχουσιν· ὡς μὴ ἐρευνῶντες πάποτε τὸ ἔαυτῶν συνειδός· μὴ ἐνθυμούμενοι τὸ τοῦ Χριστοῦ δικαστήριον ὥτινες μετὰ τῶν ἀσεβῶν ταχθήτωσαν· μετὰ τῶν βλασφήμων Θεοῦ· μετὰ τοῦ προδότου Ιούδα, καὶ μετὰ τῶν σταυρωσάντων τὸν κύριον); and Letter 41, fols. 221v–225v (“... βρύχουσι γὰρ κατὰ τῆς βασιλείας σου, τοὺς ὄδόντας αὐτῶν καὶ ὡς λέοντες περιέρχονται ζητοῦντες σε καταπιεῖν ... διὰ τούτο βέλτιον τὸ γελᾶν ἐπὶ τούτοις, καὶ μηδόλως ἀποκρίνεσθαι· ἀλλὰ καταφρονεῖν αὐτῶν, ὡς φίλων τοῦ ψεύδους καὶ τῆς ἀληθείας ἔχθρῶν ὥτινες ἐπὶ πρόσωπόν σου, σκότος ἔθεντο, καὶ πᾶσαν σου εὐπραγίαν περιεῖλον· τὴν δὲ δόξαν σου ἀπό σου ἔξεδυσαν· ἔξέκοψαν δὲ ὡσπερ δένδρον, τὴν ἐλπίδαν σου, τὸν βασιλέα λέγω· δεινῶς δέ σοι ὄργη ἔχρήσατο, ἥγήσατο δέ σε ὡσπερ ἔχθρον οὕτω τὰ κατὰ σὲ διεσκεύασαν οἱ μιαροί”).

⁷⁸ Jeffreys, “Who Was Eirene the Sebastokratorissa?” 40–68.

⁷⁹ Varzos, *H γενεαλογία τῶν Κομνηνῶν* 1:366–78. Manuel I had a son in 1169, years after Eirene's death. See *Oxford Dictionary of Byzantium* (New York, 1991), 1:64 (Alexios II, emperor between 1180 and 1183).

In any case, it is worth considering the possible multivalence in the message of both the text and the illustration of the Kokkinobaphos homiliaries, in tune with Iakobos's exposition on the many layers of Scriptures. Through the close interrelation of word and image, these homiliaries present the Virgin not only as the instrument of the Incarnation and human salvation but also as the ideal model of any virtuous soul, to which Eirene could have related in a more or less personal way. It is possible that in the Sebastokratorissa's mind this relationship was all the more apparent because she was a woman aspiring to imitate the holiest woman of all. Certain elements in the illustration of the two homiliaries might have been designed to reflect and promote such a gender-related connection. For example, the exceptional wealth of textual and visual images of the Theotokos as the spinner and weaver of the purple mantle of Christ's human nature in the two Kokkinobaphos homiliaries might be related to the identity of the person who commissioned them—a purple-dressed woman of the imperial family,⁸⁰ who was familiar with the multivalent symbolism of the purple,⁸¹ the spinning and weaving ideal of female virtue,⁸² and the role of the Theotokos as spinner and weaver of the Incarnation and of human salvation.⁸³ It is also worth considering the possibility that the Sebastokratorissa ordered the second copy of these homilies as a present to one of her daughters or the wife of her son John. As an edifying book praising the Mother of all, and given from mother to daughter or daughter-in-law, this gift would be particularly meaningful.⁸⁴

⁸⁰ As a Sebastokratorissa and wife of the purple-born Sebastokrator Andronikos, Eirene was also called βασιλισσα, like the purple-born daughters of the emperors. Various writers (including Iakobos the monk, e.g. in Paris gr. 3039, fols. 12v, 17v, 117v, 205r, 221v) address her by saying “your royalty” (ἡ βασιλεία σου). In other words, she was not a purple-born but certainly had the status and privileges of one. See Varzos, *H γενεαλογία τῶν Κομνηνῶν* 1:365; and O. Lampsidis, “Zur Sebastokratorissa Eirene,” *Jahrbuch der Österreichischen Byzantinistik* 34 (1984): 91–105, esp. 100–101.

⁸¹ See, for example, A. Carile, “Produzione e usi della porpora nell’impero bizantino,” in *La porpora: Realtà e immaginario di un colore simbolico. Atti del convegno di studio, Venezia, 24 e 25 ottobre 1996*, ed. O. Longo (Venice, 1998), 243–69. I thank Dr. A. Stouraiti for drawing my attention to the proceedings of the above conference. See also B. Popović, “The Most Precious Thread in Byzantium and Medieval Serbia” (forthcoming).

⁸² See n. 10 above.

⁸³ Cf. Constas, *Proclus*, 317 ff., 332–38; and the catalogue entry no. 83, by A. Walker and I. Kalavrezou, in *Byzantine Women and Their World*, ed. Kalavrezou, 158. The possible gender-related associations of the spinning, weaving, and clothing metaphors employed for the Incarnation in the text and the illustration of the two Kokkinobaphos homiliaries will be one of the topics examined in my forthcoming monograph *Weaving Christ Body* (see n. 7 above).

⁸⁴ Any such hypothesis about one of the Kokkinobaphos homiliaries being given as a gift by Eirene to another woman of her family has to be studied in relation to the dating of both codices. This issue is beyond the scope of the present article, but I will make some relevant

Returning to more concrete ground, we may now consider the depiction and meaning of the other four books that are painted in the hands of the Virgin in the Kokkinobaphos homiliaries (plates 3a–4b). These have not been discussed up to now because they seem to have a very different function from the Psalter depicted in the four miniatures mentioned above. In the following analysis I will suggest that in these four cases the book does not represent an object that refers to the reading of a text but is in fact a symbol of Mary's own soul and body, which are dedicated to God as instruments of the Incarnation.

In Early Christian and Byzantine literature the Theotokos is often described as the book or the volume (*βίβλος, τόμος*) which contains Christ the Word. The Logos was written (i.e., incarnated) in Mary through the will of the Father, who provided the text, and the energy of the Holy Spirit, who constituted the pen through which the Logos became visible. This book was entrusted to a literate man (Joseph) who was, however, unable to read from it, since it was sealed and accessible only to God (an obvious reference to Mary's undefiled virginity).⁸⁵ In this metaphorical imagery, the Word can be perceived as the

observations. The Vatican codex, the largest of the two Kokkinobaphos homiliaries, was evidently the first to be created, and the Paris one was a later copy in smaller format; see Hutter, *Die Homilien*, 473–90, and Linardou, “Reading Two Byzantine Illustrated Books,” 192–227 (whom I thank for giving me this reference); for the opposite view, see Anderson, “Illustrated Sermons,” 76–85. If the Vatican codex was produced for Eirene herself, the Paris one could have been prepared as a gift for another woman of her family. Since this later codex seems to have remained in Constantinople until it was purchased by the French ambassador in the 1660s, it is improbable that Eirene gave it as a present to her daughter Theodora, who in 1148 or 1149 was married to Henry II de Babenberg and lived in the West until her death (Varzos, *H γενεαλογία τῶν Κομνηών* 2:171–89). The other three possible candidates are Eirene’s pious daughter Maria (who married in 1141 and again in 1145), her daughter Eudokia (who married in 1145 and again in 1162, also maintaining a scandalous affair with her uncle Andronicos II from 1151–52 onwards), and her daughter-in-law Komnene Taronitissa (who married John in 1146, in a wedding lavishly celebrated in Constantinople). Eirene would probably have been unable to commission a luxurious manuscript like Paris gr. 1208 during the first and second period of her confinement and imprisonment on the emperor’s orders (the first starting in 1144, the second lasting from 1148 to 1151). For all the information presented above, see Varzos, *H γενεαλογία τῶν Κομνηών* 1:368–75; 2:143, 155–56, 162–64, 173–74.

⁸⁵ This imagery was based on the Mariological exegesis of Isaiah 8:1 (Καὶ εἶπεν κύριος πρός με, Λαβὲ σεαυτῷ τόμον καινοῦ μεγάλου καὶ γράψον εἰς αὐτὸν γραφίδι ἀνθρώπου), and 29:11 (καὶ ἔσονται ὑμῖν πάντα τὰ όντα ταῦτα ως οἱ λόγοι τοῦ βιβλίου τοῦ ἐσφραγισμένου τούτου, ὁ ἐὰν δῶσιν αὐτὸν ἀνθρώπῳ ἐπισταμένῳ γράμματα λέγοντες, Ανάγνωθι ταῦτα· καὶ ἔρει, Οὐ δύναμαι ἀναγνῶναι, ἐσφράγισται γάρ). See Schreiner, “‘... wie Maria geleicht einem puch,’” 1438–41, and “Marienverehrung, Lesekultur, Schriftlichkeit,” 357–58, with reference to texts by Ephrem the Syrian, Epiphanius of Salamis, John of Damascus, and Andrew of Crete; he also mentions a homily that in the textual tradition is attributed to various authors (John Chrysostom, Proclus, Macarius, and Gregory Thaumaturgos, under whose name it is published in PG 10:1173B). Other relevant texts include John of Damascus, *Expositio fidei* 87, lines 64–66 (ed. B. Kotter, *Die*

ink and Mary as the parchment on which the Logos took shape.⁸⁶ In a similar vein, Mary was frequently described as the Tablets containing the living Law.⁸⁷ In Byzantine art, Mary is usually holding either her son or the purple wool, which can be considered a symbol of her child. The same symbolism is evident in at least some of the depictions of her holding a book or a scroll.⁸⁸ For example, in a twelfth-century icon from Mount Sinai where the Virgin and Child are surrounded by prophets holding scrolls inscribed with their prophecies on the Incarnation, a rolled up scroll is held by both the Virgin and the Child. H. Belting and A.-M. Weyl Carr have suggested that this scroll could be a symbol of the Incarnation of the Logos which took his human nature (the parchment of the scroll) from his mother.⁸⁹ H. Papastavrou has commented on a few medieval images in which the Virgin holds a book or a scroll, including two Byzantine examples, and has interpreted this object as a

Schriften des Johannes von Damaskos, vol. 2, Patristische Texte und Studien 12 [Berlin and New York, 1973], 200) and *Oratio in dormitionem BMV II* 17, lines 5–6 (ed. Kotter, *Die Schriften*, vol. 5, Patristische Texte und Studien 29 [Berlin and New York, 1988], 535); and Michael Psellos, *Orationes hagiographicae* 3a, lines 589–91 (ed. E. A. Fisher, *Orationes hagiographicae* [Stuttgart, 1994], 141). See also Ledit, *Marie dans la liturgie*, 87, 106 and n. 33, 116–17 and nn. 92–94, 160; and Eustratiades, *H Θεοτόκος*, 12 (βίβλος), 79 (τόπος).

⁸⁶ See, for example, the reference to the Virgin Mary as the clean, unwritten pages of a book in Gregory of Nyssa (*spuria*), *Testimonia adversus Judaeos*, PG 46:209B. In the West, homilists elaborated on the analogies between the parchment of a book and Mary's body (Schreiner, “... wie Maria geleich einem puch,” 1449–64, and “Marienverehrung, Lese-kultur, Schriftlichkeit,” 359, 362), but in Byzantium I have not located similar clear-cut comparisons, although the perception of a body and its blood in terms of parchment and ink was not unknown. For example, Christ compares his flesh and blood to page and ink in a hymn by Romanos Melodos, discussed together with other sources on the relationship between body and parchment in medieval mentality in Peers, *Sacred Shock*, 53–55. Cf. Theodore the Studite, Ep. 293.2–3 (ed. G. Fatouros, *Theodori Studitiae Epistulae*, Corpus Fontium Historiae Byzantinae, Series Berolinensis 31 [Berlin, 1992]): instead of using ink to write his letter on a page, Theodore says he should be using his own blood and skin in order to show his gratitude to the recipient of the letter. The perception of Christ's blood and body as ink and parchment/book/charter was quite common in late medieval Europe. See M. V. Hennessy, “Aspects of Blood Piety in a Late-Medieval English Manuscript, London, British Library Additional 37049,” in *History in the Comic Mode: Medieval Seeds for a New Millennium. Essays in Honor of Caroline Walker Bynum*, ed. R. Fulton and B. Holsinger (forthcoming, New York, 2006), esp. n. 39 for further literature. I thank Professor Hennessy for sending me a copy of this article before its publication.

⁸⁷ See Ledit, *Marie dans la liturgie*, as in n. 85 above; and Eustratiades, *H Θεοτόκος*, 62 (πλάξι).

⁸⁸ This is to be distinguished from the Virgin Paraklesis, where Mary holds a scroll with a petition to Christ for the salvation of the world; see S. Der Nersessian, “Two Images of the Virgin in the Dumbarton Oaks Collection,” *Dumbarton Oaks Papers* 14 (1960): 79–86.

⁸⁹ See H. Belting, *Likeness and Presence: A History of the Image before the Era of Art* (Chicago and London, 1994), 290–91, and A. Weyl-Carr, “The Presentation of an Icon at Mount Sinai,” *Δελτίον Χριστιανικῆς Ἀρχαιολογικῆς Εταιρείας* 17 (1993–94): 239, both mentioned by Anderson, “Anna Komnene, Learned Women, and the Book,” 138.

symbol of the Incarnation.⁹⁰ One of these images appears in a codex containing a Psalter and New Testament which was produced around 1084, plausibly for a male courtier in Constantinople.⁹¹ The ode which Mary sang after Elizabeth glorified her for her divine motherhood (Luke 1:46–55) is introduced by a miniature divided in two registers: in the upper one appears the Annunciation and in the lower one the Virgin seated and holding an open book on which scribbles are supposed to indicate a written text, perhaps the beginning of her ode. She presents the book to the reader in the same way that she presents the Psalter in the Kokkinobaphos miniatures discussed above. The only difference is that she is pointing to the pages of the book with one hand, and this gesture emphasizes the importance of the object she holds. Anderson has interpreted this composition as an image of piety, as a mirror in which the reader holding the codex would see the Virgin holding a similar book.⁹² On the other hand, Papastavrou has interpreted this book in Mary's hands as a symbol of the Incarnation, which is also the subject of the miniatures above and below it (the Annunciation and the Visitation, which forms the initial *M* of the ode).⁹³ To a Byzantine viewer, both meanings could be present at the same time. By contrast, in the Kokkinobaphos miniatures discussed in this article, there seems to be a clearer distinction between the two meanings: given their textual and visual context, the miniatures in which the Virgin appears holding a psalter seem to emphasize more the ideal of piety exercised through the study of Scriptures; while in the miniatures discussed below, the book in Mary's hands makes more sense as a symbol of the Incarnation. In fact, in the whole surviving corpus of Byzantine art, these Kokkinobaphos miniatures seem to be the most emphatic and eloquent depiction of the book as a symbol of Mary and her role in the Incarnation.⁹⁴

⁹⁰ H. Papastavrou, “L’idée de l’Ecclesia et la scène de l’annonciation: Quelques aspects,” *Δελτίον Χριστιανικής Αρχαιολογικής Εταιρείας* 21 (2000): 235–39, esp. 238–39.

⁹¹ Washington, D.C., Dumbarton Oaks Collection MS 3, fol. 80v. See Anderson, “Anna Komnene, Learned Women, and the Book,” 141, fig. 8. The manuscript has been studied by S. Der Nersessian, “A Psalter and New Testament Manuscript at Dumbarton Oaks,” *Dumbarton Oaks Papers* 19 (1965): 155–83. See also A. Cutler, *The Aristocratic Psalter in Byzantium*, Bibliothèque des cahiers archéologiques 13 (Paris, 1984), 91–98, figs. 318–39.

⁹² Anderson, “Anna Komnene, Learned Women, and the Book,” 141.

⁹³ Papastavrou, “L’idée de l’Ecclesia,” 238. The other miniature that she interprets in the same way is in St. Petersburg, National Library of Russia gr. 269, fol. 4r, a Byzantine Psalter of the thirteenth century. The Virgin appears enthroned, holding the Christ child and a scroll with the first words of the *Magnificat*.

⁹⁴ Smith, “Scriba, Femina,” 22, has suggested a similar symbolic reading for the book held by Mary in images produced in Western Europe. According to her, the book as symbol of the Logos incarnate could be seen as one layer of meaning in images where Mary appears reading during the Annunciation. In some cases this message is particularly clear through important iconographic details. Smith mentions images of the Visitation in which Mary is seen holding a

In the miniature that shows the Virgin walking on her way to deliver the purple thread to the temple (plate 3a), the book that she holds contains her own words and therefore can not be an object of study. It is instead a convention which allows her thoughts to be read and is similar to the scrolls presenting the prophecies of the prophets holding them. There is, however, more to this image than first meets the eye. The pages of the book are inscribed with the words Σύ δέσποτα λέγουσα, which are the words with which Mary begins a prayer to God, according to Iakobos's description in the relevant part of his sixth homily.⁹⁵ Even the third-person λέγουσα (“she was saying”) on the book is copied from Iakobos's text, as if to suggest that the Virgin is holding the same book that the reader of the homilies is holding.⁹⁶ The book in Mary's hands is a mirror of her mind and soul, normally open only to God to see, but in this case made available to the viewer of the manuscript through Iakobos's recreation of the events. In effect, the appearance of the same words on the book held by the Theotokos and in the homily text reporting her prayer emphasizes and validates the veracity of Iakobos's narration. Right before the miniature, on the same page, Iakobos writes that on her way to the temple the Virgin was glowing brighter than the sun (since the sun of Justice was growing in her) and she was an incomprehensible sight (ἀκατανόητος) to anyone looking at her and actually having difficulty see-

book over the fetal Christ, which implies that “she is with book as well as with child.” She also mentions two miniatures in which the link between the Logos and the book is exceptionally clear: Ferrara, Statuti MS 47 (no fol.), where a book appears flying into the room of the Annunciation in the place of a dove; and Paris, Bibliothèque nationale de France lat. 9471, fol. 133r, where Miriam and Moses appear as an allegory for Mary and Christ, and the baby Moses/Christ is shown cradled inside a clasped book; see *ibid.*, nn. 8–10. See also M. Camille, “Visual Signs of the Sacred Page: Books in the *Bible moralisée*,” *Word and Image* 5 (1989): 111–30, esp. 114–15, 118, figs. 3–4, 12–13, for miniatures in which the book appears prominently as a symbol of Christ the Word (Vienna, Österreichische Nationalbibliothek 2554, fols. 16r–v, 22r, 29r).

⁹⁵ “‘You, God,’ she was saying. . . .” The Virgin's prayer is in Homily 6.6 (PG 127:665B). The miniatures are in Vat. gr. 1162, fol. 139r, with a slightly longer version of the text on Mary's book, Σύ δέσποτα λέγουσα (Stornajolo, *Miniature*, plate 61), and Paris gr. 1208, fol. 189v (Omont, *Miniatures*, plate 24); see Hutter and Canart, *Das Marienhomiliar*, 70–71; and Hutter, *Die Homilien*, 177, who observes that in this miniature Mary's words of prayer seem to acquire authenticity by being presented in the form of a book, and she appears as learned: “In Buchform dargeboten, erhalten auch die Marienworte der Predigt den Anschein der Authentizität. Überdies wird dadurch, wie häufig im Text, Maria als ihrer Erwähltheit bewußte virgo docta vorgestellt.”

⁹⁶ The homily text in fact seems to be copied from the book in Mary's hands, instead of the other way around, since the image precedes the text (in contrast to other types of illustrations in Byzantine manuscripts, which may be placed in the margin beside the text, or in the lower part of the page after the relevant text; see the discussion in M. Bernabò, *Le miniature per i manoscritti greci del libro di Giobbe* [Florence, 2004], 129–32).

ing her (δυσθεώρητος) because of the brightness of her grace.⁹⁷ By contrast, the miniature presenting her thoughts on an open book shows how Iakobos's homily makes the Theotokos comprehensible and visible to the reader.

The analogies between the text and the image discussed here seem to allude to an idea that was quite widespread in ancient Greek and Roman literature and also known to Byzantine authors, namely, that a vivid rhetorical text or poem is equivalent to a painting.⁹⁸ In his homilies, Iakobos himself compares thoughts and memories to paintings. In fact, the emphasis with which he mentions the importance of the sense of sight and of the art of painting for contemplating, comprehending, and remembering events, people, and ideas, could be indicative of the attention and significance Iakobos gave to the illustration of his two homiliaries. This issue deserves closer examination.

In an extensive passage in his third homily, Iakobos observes that those who hear the narration concerning the Virgin's entrance to the temple and her virtuous life therein—and who seem to repaint the events in their minds by memory of the words—wish with ardent desire to be able to return to that time and record those events (in painting?) and see them with their own eyes and rejoice in their sight. This longing makes it obvious that God, who chose the Virgin as his abode and saw the invisible beauty of her soul, honored her with abundant grace.⁹⁹ According to these observations, we can assume that if the burning desire to see something with one's own eyes is caused from its inner beauty, which manifests God's energy and blessing, then sight is a powerful instrument in humanity's struggle to reconnect itself to the divine.¹⁰⁰

In the entire following paragraph, Iakobos emphasizes how much the Israelites desired to see the Virgin in the temple and rejoice in her sight.¹⁰¹ He

⁹⁷ Homily 6.5 (PG 127:665A): “... ούτω δὴ προσβάλλουσα τοῖς ὄρωσιν ἡ τοῦ ἥλιου φωτεινότερα νεφέλῃ, πᾶσι μὲν ἀκατανόητος διέμενε, δυσθεώρητος δὲ τοῖς νεωστὶ προσεντυχάνουσιν αὐτῇ ταῖς τῆς χάριτος αἴγλαις καθίστατο.”

⁹⁸ The *ut pictura poesis* discourse lies at the heart of *ekphrasis*, a basic exercise of ancient and medieval rhetorics, in which an event, person or object is so vividly described as to become visible to the mind's eye. Well known through rhetorical textbooks, *ekphrasis* was often practiced by Byzantine authors so as to “turn readers into spectators” (in the words of the fifth-century rhetorician Nicholas of Myra). For further discussion and bibliography, see, e.g., B. F. Scholz, “Sub Oculos Subiectio”: Quintilian on Ekphrasis and Enargeia,” in *Pictures into Words: Theoretical and Descriptive Approaches to Ekphrasis*, ed. V. Robillard and E. Jongeneel (Amsterdam, 1998), 73–99, esp. 76–84.

⁹⁹ Homily 3.26 (PG 127:628C–629A).

¹⁰⁰ This use of the material world as an anagogical path to the spiritual sphere is of course very central in the Neoplatonic theology of Pseudo-Dionysios, and becomes a major argument in iconophile literature. See, for example, K. Parry, *Depicting the Word: Byzantine Iconophile Thought of the Eighth and Ninth Centuries*, The Medieval Mediterranean 12 (Leiden, 1996), 22–43; and James, *Light and Colour*, 137.

¹⁰¹ Homily 3.27 (PG 127:629A–B).

then speaks about the relation of Mary's physical and spiritual beauty, and he mentions the art of painting in order to give a clear explanation. The sight of the Virgin's external beauty was like a painting, an imprint and a shadowy design of her greatest and most precious internal beauty.¹⁰² One should go beyond the surface of the painting and realize its true meaning—see the body as a reflection of the beautiful soul inside it and comprehend that both the body and soul of the Virgin were blessed as God's abode.¹⁰³ It is worth noting that in this passage Iakobos proposes the reading of an image (in this case the Virgin's physical beauty) in terms similar to the reading of Scriptures: the viewer or the reader has to look for the true and most valuable meaning beneath the surface. It is significant that Iakobos uses the word “treasure” (*θησαυρὸς*) to describe both the virtues of the Virgin and the wisdom of Scriptures as something valuable to be sought beneath the surface of appearances.¹⁰⁴ Such ideas

¹⁰² See the use of words related to *ζωγραφία*, *ἐκτύπωμα*, and *σκιαγραφία* in the passage mentioned in the following note.

¹⁰³ Homily 3.28 (PG 127:629C–D): “Ἄλλὰ τῆς κατὰ λόγον μὲν τῶν ποθητῶν σου θεαμάτων ἀγαπήσεως, οἱ τηνικαῦτα τούτων ἐν ἀπολαύσει γενόμενοι, τοῦ πλείονος ἀπελείποντο· μᾶλλον δὲ εἰπεῖν τοῦ παντὸς ὥσῳ τοῖς σωματικοῖς σου μόνον ἐφήσθεντες πρὸς ὅλιγον κάλλεσι, τοῦ πόθου διήμαρτον τῶν ἐναποκειμένων ἀγαθῶν θησαυρῶν, καὶ ἀποκρύφων μυστηρίων. Τῇ σκιαγραφούσῃ γὰρ τὴν ἔνδον ὡραιότητα τοῦ ὄρωμένου θέᾳ, καθάπερ τῇ ἐκ πολυειδῶν χρωμάτων κατασκευασθείσῃ ἐπιτερφθέντες εἰκόνι, τοῦ ἐκτυπουμένου κάλλους καὶ τῆς αὐτοῦ μετ' ὅλιγον ἔξεπεσον διάνοιαν σκιαγραφίας. Ἡν γὰρ ἐξ αὐτῶν τῶν ζωγραφότων χαρακτῆρα, τὴν διὰ τῆς ζωγραφίας δηλουμένην κατανοῆσαι σου δόξαν, καὶ διὰ τῆς φαινομένης ὡραιότητος, τῆς ἀφανούς καταστοχάσσασθαι σου φαιδρότητος· μᾶλλον δὲ μίαν καὶ ταύτην ἀγαπητῶς ἀποδοῦναι τιμήν, ταῖς ἀμφοτέραις σου λαμπρότησιν, ὡς τοῦ μόνου φωτὸς γεγενημέναις οἰκητήριον, καὶ τὴν μίαν ἡμῖν καὶ ποθητὴν διανασχούσαις λαμπρότητα.”

¹⁰⁴ See his references to the treasures of Scriptures in his thirty-fifth letter to Eirene (the last part of the passage quoted in n. 56 above), and the first sentence in the passage on Mary's beauty and virtue reported in n. 103. For a similar description of Mary's virtues and the resulting moral guidance that Christians can enjoy as “treasures,” see Iakobos's text in n. 108, below. It seems that while discussing the relationship of Mary's physical and spiritual beauty Iakobos has in mind patristic texts according to which the Old Testament prefigurations of the Incarnation are like drawings (*σκιαγραφίαι*) that are lost once the real colors—that is, the truth of the Incarnation—is applied to them. This is probably why he writes that Mary's physical beauty *σκιαγραφεῖ* her internal virtue, meaning that the external appearance is a sign/drawing of a higher truth, as the Old Testament was for the New. In the case of Mary, however, her physical appearance is the visible surface behind which one has to envision the invisible spiritual beauty, and in this sense Iakobos reverses the metaphor of drawing and final painting used by the fathers, writing that through the colors of Mary's physical beauty—similar to the painted surface of an image—one can envision the drawing lying underneath (which in this case is more valuable than the superimposed colors). When Iakobos mentions the imprinted beauty (*ἐκτύπουμένου κάλλους*) of Mary's soul on her body, he might have in mind iconophile literature in which the icon is the imprint of the archetype (in this case the archetype being Mary's soul, reflected on her body). For the metaphor of drawing and finished painting in

on the multivalence of the visual and material reality (comparable to the multiple layers of meaning in Scriptures) were central in Byzantine culture. Applying what Mesarites wrote when describing the church of the Holy Apostles in the twelfth century, we can say that in Byzantium it was necessary to “look at things with the eyes of sense and to understand them with the eyes of the spirit.”¹⁰⁵

Further evidence on the importance of visuality for Iakobos and his contemporaries is provided in his sixth homily, where he describes twice the remembrance of a person or an idea as a painting stored in one’s mind. He begins the homily with a lengthy account of the value of memory and its function as a painting that results in the actual presence of the person remembered: people imprint in their thoughts the likeness and the noble words of those whom they love, as if creating in their minds paintings of them; and by being able to contemplate those paintings continuously, they find pleasure and rekindle their love.¹⁰⁶ If the above is true in ordinary relationships, Iakobos asks, how much more valid must it be for the relationship between Christians and the Virgin, the source of human salvation?¹⁰⁷ Through continuous remembrance of her, Christians can enjoy pure pleasure and invite Mary to inhabit their hearts, for “wherever the continuous remembrance of her lies, undoubtedly her presence is not lacking.”¹⁰⁸ This passage illuminates the function of

patristic literature, see H. L. Kessler, “‘Pictures Fertile with Truth’: How Christians Managed to Make Images of God without Violating the Second Commandment,” *Journal of the Walters Art Gallery* 49–50 (1991–92): 55, “Medieval Art as Argument,” in *Iconography at the Crossroads. Papers from the Colloquium Sponsored by the Index of Christian Art, Princeton University, 23–24 March 1990*, ed. B. Cassidy (Princeton, 1993), 60–62, and “‘Thou Shalt Paint the Likeness of Christ Himself’: The Mosaic Prohibition as Provocation for Christian Images,” in *Spiritual Seeing: Picturing God’s Invisibility in Medieval Art* (Philadelphia, 2000), 45–46; see also James, *Light and Colour*, 129–32. For the idea of an image as an imprint and seal of the archetype, see K. Corrigan, *Visual Polemics in the Ninth-Century Byzantine Psalters* (Cambridge, 1992), 74–75.

¹⁰⁵ Quoted and discussed by James, *Light and Colour*, 11–123, esp. 117, 120.

¹⁰⁶ Homily 6.1 (PG 127:660A–B): “Οἱ σφόδρα τῶν ἐρωμένων αὐτοῖς ἐφιέμενοι, καὶ τῇ τούτων μνήμῃ συνείναι διηνεκῶς ποθοῦντες, οὐ μόνον ἐν διανοίᾳ τὴν αὐτῶν ἀνατυποῦσι θέαν, καὶ καθάπερ ἐν πίνακι τὸ φανταζόμενον ἀνιστοροῦντες εἶδος, τὴν τοῦ ποθουμένου διαζωγραφοῦσι λαμπρότητα· ἀλλὰ καὶ εἰ τι γενναῖον καὶ περιχαρὲς αὐτοῖς ἐδρήθη, καὶ μνήμῃ φυλαχθὲν διετρήθη, καὶ τούτο κατασπαζόμενοι ἀεὶ πανταχόσε περιφέρονται. Ἐστι γὰρ δὲ κἀντεύθεν πλείστην ὅσην αὐτοὺς τὴν ἡδονὴν καρποῦσθαι, τοὺς λόγους ἀντὶ τῶν εἰρηκότων κατέχοντας· διὸ καὶ συνηδομένοις αὐτοῖς συμβαίνειν τὴν αὐτῶν ἀνάπτυξιν διηνεκῶς ποιεῖσθαι, ὁμοῦ μὲν ἐγκαλλωπιζομένοις αὐτοῖς, ὁμοῦ δὲ καὶ τὸ φίλτρον ἀναζωπυροῦσι τῶν φιλουμένων.”

¹⁰⁷ Homily 6.1–2 (PG 127:660B–661B).

¹⁰⁸ Homily 6.2 (PG 127:660D–661A): “. . . Πῶς δὲ μὴ περιπτυσσόμενοι τὰ εἰρημένα τῆς θείας ἔκείνης κατατυφήσομεν μνήμης; Τὸν ἀοίδιμον ὑπερεκαύσομεν πόθον;

the Kokkinobaphos homiliaries as a word-and-image memorial to the Virgin, and therefore a powerful instrument of devotional contemplation resulting in a mystical union with her.¹⁰⁹ The same message on the moral value of memory is expressed in broader terms later in the same homily: when Joseph suspects the pregnant Virgin of unchastity, he mentions her previous honorable residence in the temple and Zachariah's prophecies about her as something she should have kept in her mind like a painting that she could contemplate continuously in order to protect herself from temptation.¹¹⁰ This may be another key passage for understanding the function that the Kokkinobaphos homilies and their illustration were intended to serve: through the combination of word and image they captured the Virgin's grace and purity and made them available for the continuous contemplation of the reader, who could be protected from temptation by keeping Mary's image perpetually alive in memory like a model-painting that should be imitated in real life.

Even though these expressions of memory as painting belong to a long literary tradition, they cannot be dismissed as simple topoi with no significance.¹¹¹ On the contrary, it has already been suggested that up to a certain ex-

Τῆς καθαρωτάτης ἡδονῆς καταπολαύσομεν, ὅπως στέφανον μὲν καυχήσεως τοὺς λόγους, πλοῦτον δὲ πολυτελὴ τὰ νοήματα θησαυρίσαντες, αὐτὴν ἐκείνην ἐν ταῖς καρδίαις συνεισοικισώμεθα τὴν ἀναφαίρετον ἀφθονίαν, τὸν πλοῦτον τῆς ἡμῶν σωτηρίας, τὸ πολύτιμον κειμήλιον, τὸ ταμείον τῆς Δεσποτικῆς οἰκονομίας, τὸν θησαυρὸν τῶν ἀποκρύφων ἀγαθῶν, τὸν στέφανον τῆς ἀνθρωπότητος, τὸ ἔγκαλλοπισμα τῆς φύσεως; Ὅπου γὰρ ἡ ταύτης διηνεκῶς ἐναπόκειται μνήμη, ἐκεὶ ἀναμφιβόλως καὶ ἡ ταύτης οὐκ ἀπολείπεται παρονσία.”

¹⁰⁹ This passage contains words that give an erotic nuance to the relationship between Christians and Mary and therefore seem to allude to a mystical union: Christians embrace the narrations about the Virgin, they burn from desire for her, they enjoy an all-pure pleasure, and they cohabit with her in their hearts.

¹¹⁰ Homily 6, Vat. gr. 1162, fol. 171r: “Οὐκ ἔδει σε ταῦτα καθάπερ ἐν πίνακι τῇ διανοίᾳ προσγράψασαν συνεχῶς ἀναθεωρεῖν, κατέχειν, τηρεῖν, ἐν τούτοις μελετᾶν.”

¹¹¹ The idea that memories are like paintings or seal-imprints is extensively employed by Aristotle in his *Περὶ μνήμης καὶ ἀναμνήσεως* (*De memoria et reminiscencia*), ed. W. D. Ross, *Aristotle: Parva naturalia* (Oxford, 1955, rpt. 1970), 449b4–453b11, esp. 450a27–451a17. For references to ancient and medieval uses of this idea and bibliography on the subject, see M. Koortbojian, *Myth, Meaning and Memory on Roman Sarcophagi* (Berkely, Los Angeles, and London, 1995), 114–15. In Early Christian and Byzantine literature it is often said that the soul is the surface of a painting, on which the mind or the memory paint images. Sometimes this metaphor is elaborated: the images painted on the soul are pious or impious according to the virtues or vices of the person. The former images are to be preserved while the latter are to be obliterated, so that the paintings stored in one's soul support a virtuous way of life. For one of the most detailed references to this metaphor, see Basil of Caesarea, *De virginitate* 30–31 (PG 30:729C–736A). See also Michael Psellos, *Theologica*, Opusculum 104 (ed. P. Gautier, *Michaelis Pselli Theologica*, vol. 1 [Leipzig, 1989], 411–12, esp. lines 35–43); and Euthymios Tornikes, *Orationes* 2.11 and 3.18 (ed. J. Darrouzès, “Les Discours d'Euthyme Tornikès,” *Revue des études byzantines* 26 [1968]: 84.9–12, and 106–7). In both cases the de-

tent it is the significance of expressions now considered topoi that led to their frequent use.¹¹² In the Kokkinobaphos homilies, the insistent reference to sight as a source of emotions and thoughts and to memory as a painting reveal the importance of visual records not only to the writer and the readers of this work but in Byzantine culture generally.¹¹³

With the miniature in which the Virgin presents to the reader a book containing her prayer, it seems that Iakobos's intention was indeed to equate his textual account of the Virgin's life with her visual depiction in the illustration of his homilies. Both words and images were intended to imprint the virtue and glory of the Theotokos upon his reader's memory. It is significant that in this miniature Mary is showing the book with her prayer to James, Joseph's son, who is accompanying her to the temple. The two of them are looking at each other while the Virgin is extending the book towards James with her left hand and presenting it with her right. According to tradition, this same James was the author of the *Protevangelion* on which Iakobos the monk based his homilies. Therefore, an obvious message of the interaction between Mary and the young James in the miniature under discussion is that he had not only eyewitnessed the Virgin's life but had also comprehended the mystery of the Incarnation and had experienced Mary's grace and her privileged contact with God: Mary herself is showing him her prayer to the Lord. In other words, Iakobos the monk is following the footsteps of Iakobos (James) the author of the *Protevangelion* as they both open up the book of the mystery of the Incarnation for their Christian audience to read and see.

A similar interaction between Mary and James appears in a miniature already discussed above (plate 2a):¹¹⁴ when Joseph returns home and finds the

ceased is praised as a wonderful painting of virtue which his admirers would like to imitate. It should be noted that Mary is also compared to a painting on which God can paint whatever he pleases—a powerful metaphor on the concept of the divine made visible through the Incarnation (see Eusebius of Caesarea, *Fragmenta in Lucam*, PG 24:532D–533A).

¹¹² See also n. 75 above.

¹¹³ Iakobos's observations are reminiscent of iconophile arguments on the value of holy images (for example, their role in the perpetuation of the memory of saintly figures and their pious lives as examples to be imitated by the viewers). See, e.g., L. Brubaker, "Byzantine Art in the Ninth Century: Theory, Practice, and Culture," *Byzantine and Modern Greek Studies* 13 (1989): 23–93, for various aspects of the importance of the visual in Byzantine culture and iconophile literature. W. Wolska-Conus, "Un programme iconographique du patriarche Tarasios?" *Revue des études byzantines* 38 (1980): 247–54, and C. Walter, "An Iconographical Note," ibid., 255–60, discuss such a commemorative and didactic function in images of saints commissioned by the iconophile Patriarch Tarasios. The equal value of images and Holy Scripture was another common argument of iconophile polemics which illustrates the importance of the visual in Byzantium and relates to the collaboration of word and image in the Kokkinobaphos homiliaries. See, e.g., Brubaker, "Byzantine Art in the Ninth Century," esp. 71 ff.

¹¹⁴ See n. 41 above.

Virgin pregnant, she looks towards James as she holds a book inscribed with the psalm reference to the glory of Zion, and she points towards Joseph. Perhaps the intended message is that Mary is asking from James, who has been with her during Joseph's absence, to confirm her purity to his father. The young boy and future author of the *Protevangelion* is once more presented as the eyewitness and guarantor of Mary's virtue and as the source of Iakobos's narration. In this context, the book Mary holds seems once more a mirror of her thoughts, in this case expressed not through her own words but through the words of the psalmist about her: Mary seems to present the book not only to us but to James as well, as if instructing him what to say to Joseph. This miniature indicates that whenever Mary holds a book inscribed with psalm verses, she not only appears as a model of piety and study of Scriptures but is actually presenting us her thoughts through the psalmist's words. This emphasizes both the ideal of piety and knowledge of Scriptures and the idea that the Kokkinobaphos homiliaries make Mary known and available to the readers' contemplation by revealing her deepest thoughts and emotions. Moreover, in the two miniatures in which Mary replies to Joseph's suspicions about her obvious pregnancy by holding an open book on which psalm verses declare her holiness (plate 2a–b),¹¹⁵ the book can also be perceived as a symbol of Mary's pure body, as an exegetical image that illuminates the true status of Mary's virginal womb. Other miniatures in the Kokkinobaphos homiliaries seem to emphasize even further this identification between the body of flesh containing the Word and the body of parchment containing Holy Scripture.

Indeed, while in the miniatures discussed above—and especially the one in which the Virgin holds a volume with her own words—the book appears to be a symbol of Mary through reference to her thoughts and emotions, in the next miniature to be discussed (plate 3b), the book seems to emphasize more her corporeal identity as container of the Logos: in this miniature, depicting the servants of the temple entering Joseph's house and taking both him and the Virgin to be interrogated by the priests on charges of unchastity, the Virgin again holds an open book, which contains the first words of Isaiah's prophecy on her virginal and divine maternity (Is 7:14): “Ιδοὺ ἡ παρθένος [ἐν γαστρὶ ἔξει καὶ τέξεται υἱόν, καὶ καλέσεις τὸ ὄνομα αὐτοῦ Ἐμμανουὴλ]” (“Behold the virgin in her womb will have and bear a son, and you will call him Emmanuel”).¹¹⁶ This could be the scriptural passage Mary was read-

¹¹⁵ See nn. 41–42 above.

¹¹⁶ Vat. gr. 1162, fol. 179r, with a slightly longer version of the text on Mary's book (Ιδού ἡ παρθένος ἐν γαστρὶ ἔξει . . .], Stornajolo, *Miniature*, plate 77), and Paris gr. 1208, fol. 238v (Omont, *Miniatures*, plate 28); Hutter, *Die Homilien*, 199; Hutter and Canart, *Das Marienhomiliar*, 80–81.

ing as the servants came to drag her to the temple, and the passage she was using as proof of her innocence to defend herself against them. The manner in which she is holding the book, however, might signal an additional meaning. As the Virgin retreats from the menacing advance of the stick-bearing servants, she turns her right palm outwards to refuse the accusations and with her left hand she holds the open book as far from them as possible, as if trying to protect it from their attack. It seems that Mary is attempting to defend herself by keeping the book out of their reach, as if she and the book are one and the same. This composition is strongly reminiscent of the use of the book as a symbol of Mary's divine motherhood, or more specifically her womb, in Byzantine literature.¹¹⁷ The body under attack in this miniature is the one that bears the Logos incarnate, the Word that would become visible on the parchment of the Theotokos's human nature through the will of the Father and the pen of the Holy Spirit. After all, the words written on the book in the Virgin's hands are indeed God's words about the Incarnation of his Son, through the Holy Ghost, in Mary's womb. In the Gospel of Matthew—a copy of which appears in front of John Chrysostom on the first miniature of the Kokkinobaphos homilies, these words of Isaiah's prophecy are described as "what the Lord had said through the prophet," in order to foretell the Incarnation. This exact passage from Isaiah is mentioned by Matthew right after an angel visits Joseph in his sleep to inform him that he should no longer suspect Mary of unchastity, because the child she is bearing is "from the Holy Spirit."¹¹⁸ In the Kokkinobaphos miniature, the Virgin uses exactly the same words to defend herself against the suspicions of the Jews, who are unworthy to touch the book of the Logos—Mary herself, since they are unable to understand the message it contains.

If the book in Mary's hands is understood to be a symbol of herself as container of the Logos, then we can more easily comprehend the meaning of the two miniatures in which the Virgin is holding a closed book in her bosom while walking toward the temple and later on toward her cousin's house, where Symeon and Elizabeth respectively praise her as the Mother of God. In the first miniature, which appears right before the scene in which the Virgin holds an open book inscribed with her prayer, Mary hands James the basket with the purple thread while holding a closed book on her bosom (plate 4a).¹¹⁹ Right after this miniature, on the same and facing page, Iakobos writes, "Then

¹¹⁷ See n. 85 above.

¹¹⁸ Matthew 1:18–23.

¹¹⁹ Vat. gr. 1162, fol. 137v (Stornajolo, *Miniature*, plate 60); Paris gr. 1208, fol. 187r (Omont, *Miniatures*, plate 23); Hutter, *Die Homilien*, 176; Hutter and Canart, *Das Marienhomiliar*, 70.

one could see the queen holding the symbols of royal dignity in her hands and embracing them as honorable offerings, without knowing that in her body she was mysteriously weaving with flesh the royal mantle of the supreme king and ruler. . . . Oh, what an unexplicable mystery! Oh what an extraordinary mother! On that day *the Logos was taking shape according to nature*, and she was ignorant of the event; she was providing the Lord with the mantle of the flesh without being aware of giving him her own (substance). Although she knew very well what was going to happen, she was unaware of the fact that it had already begun.”¹²⁰ In this passage Iakobos clearly describes the Virgin embracing the purple thread, symbol of Christ’s flesh, while in the miniature she is actually seen embracing a closed book, possibly another symbol of the Incarnation of the Logos inside the Theotokos. “The Word was taking shape” in Mary’s womb, but the mystery was still invisible and unexplicable, like a sacred text hidden in a closed book.

Likewise, on her way to Elizabeth’s house, after having delivered the purple thread to the temple, the Virgin is again shown holding a closed book on her bosom, while looking toward the hand of God coming out of the sky (plate 4b).¹²¹ According to the text written immediately after this miniature, on the same and facing folios, the Virgin is rejoicing on account of the praises that Symeon addressed to her for being the Mother of God. Iakobos the monk is faithfully following here the information given by the *Protevangelion* of James, where it is said that Mary rejoiced upon hearing the praise of the temple priest.¹²² Iakobos, however, adds “. . . or rather, when the text (of the *Protevangelion*) speaks of the joy that she experienced, it alludes to the only true joy, the only one she was aware of and longed for, the joy that was becoming embodied in her, the supreme Logos, the planter of joy, the treasurer of jubilation, the most desirable beauty, the most beautiful gentleness, the

¹²⁰ Homily 6.4 (PG 127:664B): “Ὕν οὖν τότε κατιδεῖν τὰ τῆς βασιλικῆς ἀξίας σύμβολα ἐν χερσὶ τὴν βασιλίδα κατέχουσαν, καὶ ὡς τίμια ταῦτα περιπνησσομένην ἀναθήματα· τῷ δὲ παμβασιεῖ καὶ Δεσπότῃ τῇ σαρκὶ τὴν ἀλουργίδα ὑπέρ λόγον ὑφαινομένην ἐν ἔαυτῃ μὴ συνορῶσα (συνορῶμεν in PG). Ὡ τοῦ ἀνερμηνεύτου μυστηρίου! Ω τῆς ἀνεκλαλήτου μητρὸς! Ἐν αὐτῇ τὴν ἡμετέραν ἐμορφοῦτο φύσιν ὁ Λόγος, καὶ τῶν πραττομένων ἐκείνη τὸ παράδοξον ἥγνοει· τὸν τῆς σαρκὸς χιτῶνα τῷ Δεσπότῃ παρεῖχε, καὶ τὰ οἰκεῖα διδούσα οὐκ ἡπίστατο ἡ παρέχουσα. Εἰ γὰρ καὶ ἀσφαλῶς τὸ πρᾶγμα κατεῖχεν, ἀλλ’ ἀρχὴν ἥδη λαμβάνον, τελούμενον ἥγνοει. . . .”

¹²¹ Vat. gr. 1162, fol. 144v (Stornajolo, *Miniature*, plate 63); Paris gr. 1208, fol. 196v (Omont, *Miniatures*, plate 24); Hutter, *Die Homilien*, 179; Hutter and Canart, *Das Marienhomiliar*, 72.

¹²² *Protevangelion* 12.1–2 (ed. Tischendorf, *Evangelia Apocrypha*, 23): “. . . καὶ εὐλόγησεν αὐτὴν ὁ ἰερεὺς καὶ εἶπεν Μαριάμ, ἐμεγάλυνεν κύριος ὁ θεὸς τὸ ὄνομά σου, καὶ ἔσῃ εὐλογημένη ἐν πάσαις ταῖς γενεαῖς τῆς γῆς. Χαρὰν δὲ λαβούσα Μαριάμ ἀπίει πρὸς Ἐλισάβετ τὴν συγγενίδα αὐτῆς.”

only desirable delight, the pleasure that surpasses the longing, the sweetness that never causes saturation, the endless desire, the one who wounds with the arrows of love. Since the all-graceful (Mary) had received him, she was rejoicing beyond imagination.¹²³ Here Iakobos's vocabulary is resonant with erotic nuances, referring to the divine love of Mary (and of every true Christian) for Christ. In the miniature the Theotokos is seen embracing a closed book in her bosom, which could symbolize the object of her desire, her loved one, the Logos embodied in her like a text in a book.

In summary, the book held by Mary in the Kokkinobaphos miniatures could be a symbol of the Theotokos herself: as an open book, it is a mirror of her soul, reflecting all her thoughts and emotions devoted to God and to the mission he has entrusted her. This interpretation might apply not only to the book with Mary's own words (plate 3a) but also to the book inscribed with psalms or with Isaiah's prophecy, which Mary uses to present the reader with a scripturally inspired comment on her status in every one of the relevant episodes (plates 1a–2b, 3b). On the other hand, the book might be an image of the Virgin's body, through which the Word will become visible and available to the world. This interpretation can be applied to the closed book, as symbol of the mystery of the Incarnation in Mary but not yet visible (plates 4a–b); and to the open book, with psalm verses or Isaiah's prophecy that praise Mary for her divine motherhood by making reference to her as the glorious one, the chosen one, and the virgin miraculously bearing a child (plates 2a–b, 3b). In these cases, the open book is a symbol of the mystery of the Incarnation that has become visible through Mary's obvious pregnancy. It is, however, a symbol understood by the reader of the homilies but not by the people who are represented in the scene: Joseph looks suspiciously at Mary holding the book and the Jews appear disrespectful both to the body of flesh and to the body of parchment when they invade Joseph's house, since they are blind to Isaiah's prophecy on Mary's divine motherhood; for them Mary remains an unintelligible book, since the mystery of the Incarnation she contains is beyond their comprehension.

¹²³ Homily 6.12 (PG 127:673A): “Ἐχαιρε τὰς συμφώνους λογιζομένη προόρήσεις. Ἐπειδὴ γάρ τῇ τοῦ ιερέως ἀσυνήθει διαλέξει, πρὸν ἐν ὄψεσιν ὄφθηναι, τὰ τῆς παρόρησίας ἀφήρητο, ὑπὲρ ἐλπίδα δὲ ταύτης ἀπώνατο, τῇ παρὰ προσδοκίαν ἔχαιρεν ἐπιτυχίᾳ· ἡ μᾶλλον ταύτην εἰληφέναι χαρὰν ὁ λόγος αἰνίττεται, τὴν μόνην ὄντως χαράν, καὶ ἡ μόνη συνήδετο, ἡν μόνην ἐπόθει, καὶ ἡν σωματουμένην ἔνδον κατείχε, τὸν ὑπερούσιον Λόγον, τὸν τῆς χαρᾶς φυτουργὸν, τὸν τῆς ἀγαλλιάσεως ταμίαν, τὸ ὑπερπόθητον κάλλος, τὸ ὑπερὸν ὥραῖον ἐγκαλλώπισμα, τὸ μόνον ὄρεκτὸν ἀγαλλίαμα, τὴν ὑπὲρ ἔφεσιν ἡδονὴν, τὴν ἀκόρεστον γλυκύτητα, τὴν ἄληκτον ἐπιθυμίαν, τὸν ἐφετοῖς ἔρωτος τιτρώσκοντα βέλεσι. Τοῦτον ἡ κεχαριτωμένη λαβούσα, τὴν ὑπὲρ ἔννοιαν ἔχαιρε χαράν.”

Either as a mirror of her soul or as an image of her body, the book is a symbol of Mary's devotion to God, whose will she serves in both body and soul. In this sense, the Virgin is the embodiment of Holy Scripture not only because she contains the Logos incarnate, but also because she is the living example of pious conduct according to God's word. As the mother of God and the perfect moral example for every Christian soul, she becomes the book of salvation and life. By studying her, Christians can follow her footsteps as if tracing the lines of a holy text that will lead them to the attainment of virtue and salvation. This was one of the principal factors underlying the creation of the two Kokkinobaphos homiliaries: through the collaboration of word and image, they present Mary as an open book, which reveals its treasures of purity and virtue to the attentive and pious reader. In other words, the book depicted in Mary's hands is both an image of herself and an image of the codex held in the hands of the reader; therefore the book becomes the link between Mary and the reader and advocates what must have been a basic goal of the Kokkinobaphos homiliaries—the union of the reader with the Virgin through contemplation of her purity and imitation of her virtues.

It is worth considering at this point why the book was so rarely used to symbolize Mary as the instrument of the Incarnation and of human salvation in Byzantine art, although the same symbol was well known in Byzantine literature. The reason does not seem to be the alleged opposition of Byzantine theologians to the use of biblical types and symbols, as some scholars have concluded on the basis of canon 82 of the Council at Trullo.¹²⁴ This canon does not prohibit the use of types and symbols; it simply states that the truth is preferable to its shadows and therefore the image of Christ himself is preferable to that of the Lamb.¹²⁵ Indeed, although the image of the Lamb became

¹²⁴ See, e.g., Papastavrou, "L'idée de l'Ecclesia," 227, 239, and "Le symbolisme de la colonne dans la scène de l'Annonciation," *Δελτίον Χριστιανικῆς Ἀρχαιολογικῆς Εταιρεῖας* 15 (1989): 145–60, esp. 154, 160.

¹²⁵ G. D. Mansi, *Sacrorum conciliorum nova et amplissima collectio*, 53 vols. (Paris and Leipzig, 1901–27), 11:977E–980B (also in PG 137:789B–C). The canon is also edited and translated by G. Nedungatt and M. Featherstone, "The Canons of the Council in Trullo, in Greek, Latin and English," in *The Council in Trullo Revisited*, Pontificio Istituto Orientale, KANONIKA 6 (Rome, 1995), 162–64. The fathers formulating the canon stated that "while embracing the ancient symbols and shadows inasmuch as they are signs and anticipatory tracings handed down to the Church, we give preference to the Grace and Truth which we have received as the fulfillment of the Law" (trans. C. Mango, *The Art of the Byzantine Empire 312–1453* [Englewood Cliffs, 1972], 139–40.) Therefore the fathers ordered that from that moment onward Christ himself should be depicted in the place of the Lamb; however, they did not prohibit in any way the use of biblical symbols and types, which they considered venerable as far as they were prefigurations of the Incarnation. See below for the continuous use of these symbols in Byzantine literature and art.

rare in Byzantine art, it continued to be used, as C. Jolive has shown,¹²⁶ and biblical types were frequently represented in Byzantine works of art ever since the Triumph of Orthodoxy in 843, as the illustration of the ninth-century marginal Psalters clearly proves.¹²⁷ In fact, the visual combination of Old Testament types and their New Testament fulfillment through the Incarnation appears in a variety of media in the middle and late Byzantine period, and two of its basic implications are the replacement of the old covenant by the new and the legitimacy of icons as a consequence and proof of the Incarnation: what was foretold through symbols and signs under the law, became directly visible through Christ himself under grace.¹²⁸ Five of the six frontispieces in the Kokkinobaphos homiliaries themselves eloquently declare the venerability and significance of Old Testament prefigurations of the Incarnation by presenting biblical types of the Virgin, on three of which Christ's image appears as well.¹²⁹ In other words, the rare use of the book as a symbol of the Theotokos in Byzantine art cannot be justified on the basis of any dogmatic opposition to the use of biblical types, as this was never the case in Byzantine culture. The reasons for the rare use of the book as a Mariological symbol should be sought elsewhere.

Given that when Mary is shown holding something in Byzantine art, usually it is either her son or the purple material destined for the temple veil, it would be perhaps meaningful to compare the semantic significance of the book with that of the purple in order to judge why the latter is so prominently preferred over the former, contrary to what is evident in Western art beginning in the fourteenth century, when the book became the most common at-

¹²⁶ C. Jolivet-Lévy, “Le canon 82 du Concile Quinisexte et l'image de l'Agneau: à propos d'une église inédite de Cappadoce,” *Δελτίον Χριστιανικῆς Ἀρχαιολογικῆς Εταιρείας* 17 (1993–94): 45–52, rpt. in eadem, *Études Cappadociennes* (London, 2002), XIII, 399–412.

¹²⁷ The manna, the rock which Moses struck to produce water in the desert, the rock uncut by human hands, Gideon's fleece, and holy Zion are represented as Christological or Mariological symbols in the Chludov and Pantokrator Psalters (Moscow, State Historical Museum 129, fols. 64r, 76v, 79r, 82r, 86v; Mount Athos, Pantokrator Monastery 61, fols. 93v, 105r, 114r, 121r). See Corrigan, *Visual Polemics*, 37–40, 50–51, 62, 76–77, 91, 96–97, figs. 32, 50, 62, 67, 83, 93, 94, 99, 100.

¹²⁸ For a discussion of the centrality of this argument in iconophile literature and the analysis of a number of visual examples from Byzantine art, see Kessler, “‘Pictures Fertile with Truth,’” 53–65, “Medieval Art as Argument,” 59–70, and “‘Thou Shalt Paint the Likeness of Christ Himself,’” 29–52. See also Corrigan, *Visual Polemics*, 49–52, 62–77.

¹²⁹ The five frontispieces depict Jacob's Ladder, the Burning Bush, the Couch of Solomon, Gideon's Fleece, and the Tabernacle with the holy objects it contained (most of which were also considered types of Mary). Christ's image appears in the first three frontispieces. See Vat. gr. 1162, fols. 22v, 54v, 82v, 110v, 113v (Stornajolo, *Miniature*, plates 7, 21, 32, 46, 58); and Paris gr. 1208, fols. 29v, 73v, 109v, 149v, 181v (Omont, *Miniatures*, plates 4, 10, 14, 18, 23).

tribute in the Virgin's hands.¹³⁰ I believe the answer lies in a combination of factors. In the East, only the purple was mentioned in textual sources as an object Mary handled, while in the West homilists often described Mary reading the Psalter or Isaiah 7:14 during the Annunciation.¹³¹ Perhaps this was the case because in Byzantium the purple wool spun by Mary was considered a more multivalent symbol of the Incarnation than the book for a variety of reasons: this purple wool was related to the temple veil, a type of Christ's body which alluded to his Passion for the return of humankind to the heavenly Holy of Holies.¹³² The woolen thread was also linked to the rich metaphoric imagery of the "wool of the Incarnation": Mary as the fleece of Gideon, the mother of the Lamb, the weaver of Christ's human body, through which the Logos would redress Adam in the robes of his original glory.¹³³ In addition, spinning, weaving, and clothing were ever since antiquity powerful symbols of creation, birth, unity, honor, and female virtue that were frequently employed in Byzantine literature in relation to the Incarnation and human salvation, and they seem to have made their way into the visual expressions of the same culture especially through the image of Mary spinning the thread for the temple veil.¹³⁴ Moreover, the color purple had a variety of meanings in Byzantium: one of the most typical products of Byzantine economy; a precious merchandise sought after all over Europe; and an imperial symbol which was also associated with blood and therefore could allude both to the divine and the human nature of Christ.¹³⁵ A book could not replace the semantic significance of the spindle with the purple thread in Byzantine images of the Annunciation.¹³⁶ When the book became the prominent attribute in Mary's hands in

¹³⁰ See n. 8 above.

¹³¹ See *ibid.*

¹³² See Evangelatou, "Purple Thread," 263–66; and Constas, *Proclus*, 329–32.

¹³³ Extensive reference to the "wool of the Incarnation" in its various manifestations, especially in the illustration of the Kokkinobaphos homiliaries, will be made in my forthcoming monograph mentioned in n. 7 above. For some characteristic references of Mary as the provider of "the wool of the Incarnation" (i.e., the human flesh put on by Christ the Lamb), see, e.g., Andrew of Crete, *Canon in B. Annae Conceptionem* (PG 97:1316B) and *Canon in B. Mariae Nativitatem* (PG 97:1320A). See also Constas, "Weaving," 180–81, and *Proclus*, 317 ff. with extensive references to previous relevant literature on the perception of the Incarnation as the clothing of the Logos in the robe of humanity, so that the re-clothing of Adam in his original glory would be accomplished.

¹³⁴ For the significance of spinning, weaving, and clothing in antique and medieval culture, see Constas, *Proclus*, 315–58, esp. 338–47, 351–58.

¹³⁵ See Carile, "Produzione e usi della porpora nell'impero bizantino," in *La porpora* (as in n. 81 above) 243–69. In the same volume, see O. Longo, "Porpora e sangue. Da Omero a Shakespeare," 125–32, and G. Filoromo, "Variazioni simboliche sul tema della porpora nel cristianesimo antico," 227–42.

¹³⁶ Cf. Constas, *Proclus*, 352–53, on textile as a symbol of the Incarnation: ". . . the rich

the West, it was probably reflecting and promoting social and economic changes related to the development of private devotion, the expansion of the book trade, the growth of literacy, and the rise in female ownership of books;¹³⁷ in other words, the book in the hands of the Virgin in the West was related to phenomena that were not occurring at that time in the disintegrating and impoverished Byzantine (or former Byzantine) territory.¹³⁸

In light of the preceding observations, the exceptionally frequent depiction of the book in the Marian imagery of the Kokkinobaphos homiliaries warrants a final comment that I have tentatively made before: the ideas promoted by the book in Mary's hands—the study of Scriptures and the Virgin as the book of the Logos—were well known in Byzantine culture, but on their own they are perhaps insufficient to explain the exceptional concentration of book representations in the two manuscripts in question. A third factor that might have functioned as the catalyst for the emphatic visualization of these ideas through the image of the book might have been the literary interests of the Sebastokratorissa Eirene, as Anderson has suggested. The combination of the Virgin and the book in the two Kokkinobaphos homiliaries seems to reflect Eirene's pious study of Scriptures as a means of moral edification, her devotion to Mary as the instrument of the Incarnation, and her love of books as an instrument of learning. There is, however, one more factor that seems to have contributed to the exceptionally frequent depiction of books in these two homiliaries: the importance that Iakobos himself attributed not only to books of scriptural and patristic content but also to the two Kokkinobaphos codices themselves as instruments of moral edification and spiritual salvation. Judging from the observations he made in his letters and homilies and on the interventions he made in the iconography and the inscriptions of the Kokkinobaphos miniatures, it appears that Iakobos was a great advocate of the significance of books and visual records for the salvation of Christians, and he planned his two homiliaries accordingly, so that they would make Mary available to the reader as an open book destined to teach and guide the pious. We may therefore assume that the iconography of the book in Mary's hands was of par-

visual and tactile qualities of textiles, supported by an equally rich array of both learned and popular symbolic associations, were unsurpassed in their ability to express the concrete appearance and deportment of God."

¹³⁷ For relevant literature see n. 18 above. See also *Women and the Book*, esp. chaps. 1, 4, and 14.

¹³⁸ See n. 62 above for the high cost of parchment and the shortage of good-quality parchment attested in Byzantine sources from the twelfth century onward. Cf. J. Lowden, *Illuminated Prophet Books: A Study of Byzantine Manuscripts of the Major and Minor Prophets* (University Park, Pa., 1988), 42, for the small format of Byzantine codices, even luxury ones, in the thirteenth century, probably because of the lack of large good quality parchment folios.

ticular importance for him as a sign which linked his homiliaries to Holy Scripture, his readers to the Virgin, and the Virgin to the divine economy of salvation.¹³⁹

It is probable that Eirene and the other readers of the two Kokkinobaphos homiliaries would have detected all these layers of meaning in images of Mary holding a book: the devotional/moral meaning, related to the pious practice of reading Scriptures; the theological/symbolic meaning, referring to the Virgin as the book containing the Word; and the intellectual/cultural meaning, connected to the ideal of learning that was so much appreciated in the Komnenian court. The same people would have been able to read Mary's spinning of the purple thread both as symbolic of her role in the Incarnation of the heavenly King and as emblematic of her adherence to a respectful female ideal prominent in Byzantine society. Multiplicity of meaning seems to be a basic characteristic of the Kokkinobaphos miniatures in accordance with what Iakobos says about the layers of meaning in Scriptures and images, and what the Byzantines experienced and perceived daily in their culture. Byzantium was a society where not only social constructions and conventions, like gestures, insignia, or state and church ceremonial, but also nature itself (for example, animals, plants, natural substances, and colors) were understood as signs of multiple or higher realities.¹⁴⁰ Likewise, multiplicity of meaning was applied to scriptural exegesis, so that the Old Testament was a prefiguration of the New, and both were a prefiguration of the life of Christians, the Church and the Empire.¹⁴¹ In such a cultural context, variations and details in the iconography of holy images (which, after all, were thought to be instruments of didactic exposition, theological discourse, and spiritual ascent) were bound to be carriers of meaning. Even if the producers of an image did not have in mind all the layers of meaning we might attribute to it on the basis of other contemporary sources, the viewers of the image could have invested it with additional meaning, depending on their cultural background and specific interests. It is exactly this broad potential of interpretation that gives both to Scriptures and art a large part of their power as means of expression and communication, fascinating scriptural commentators of the past as well as art historians of the present.

The Kokkinobaphos miniatures offer us a valuable opportunity to investigate the multivalence of Byzantine imagery, because the sources for their in-

¹³⁹ On the collaboration of Iakobos with the miniaturist, see n. 49 above.

¹⁴⁰ See, e.g., James, *Light and Colour*, esp. 91–140; and G. Peers, “Peter, Iconoclasm and the Use of Nature in the Smyrna Physiologus (Evangelical School, B. 8),” *Jahrbuch der Österreichischen Byzantinistik* 50 (2000): 267–92.

¹⁴¹ See n. 65 above.

terpretation are included in the homily text they illustrate and in the letters that the mastermind behind the production of these codices addressed to the person who commissioned them. Following the spirit of Iakobos's words, one can assert that the two Kokkinobaphos homiliaries are indeed among the greatest treasures of Byzantine art: they invite the viewer to search below the surface for riches that only a careful examination can reveal. For “reading is not enough in order for the treasures of virtue to be revealed, if your royalty does not investigate in depth. . . .”¹⁴²

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¹⁴² See the quotation from Iakobos's thirty-fifth letter to Eirene in n. 56 above.

MARCO POLO MILION: AN UNKNOWN SOURCE CONCERNING MARCO POLO

Marco Pozza

THE famous Venetian traveller, Marco Polo, nominated the monastery of San Lorenzo as his burial place.¹ It seems that his family belonged to the parish of San Severo, which was under the authority of that monastery.² In his last will and testament, dated 9 January 1324, he left a legacy in favour of each confraternity of which he was a member.³ Until recently it was not known to which of the numerous devotional associations in existence in Venice at the time Marco Polo was referring. A recent discovery, however, has established that the confraternity of Santa Maria della Misericordia was one of the beneficiaries of the testament.

The confraternity della Misericordia,⁴ which was subsequently called della Valverde after it was transferred, in about 1310, to the Augustinian monastery of that name situated in the district of Cannaregio (not far from the parish of San Giovanni Crisostomo, where Polo's family moved after the return of

¹ Testament of Marco Polo: "dimitto soldos viginti denariorum venetorum grossorum monasterio Sancti Laurentii ubi meam eligo sepulturam." The testament has been edited several times: E. A. Cicogna, *Delle iscrizioni veneziane*, vol. 3 (Venice, 1830), 492–93, no. 3 (1323); V. Lazari, *I viaggi di Marco Polo, veneziano* (Venice, 1847), 435–37, no. 3 (1323); H. Yule, *The Book of Ser Marco Polo, the Venetian*, vol. 2 (London, 1871), 440–41, no. 8. For the grave of Marco Polo, see R. Gallo, "Le ricerche della tomba di Marco Polo nella chiesa di S. Lorenzo," *Rivista mensile della città di Venezia* 3 (1924): 233–56, "Dove era la tomba di Marco Polo," *Rivista di Venezia* 14 (1935): 201–12, and "Marco Polo, la sua famiglia e il suo libro," in *Nel settimo centenario della nascita di Marco Polo* (Venice, 1955), 116–25.

² The identification of San Severo as the parish of the Polo family had already been maintained in G. Orlandini, "Marco Polo e la sua famiglia," *Archivio Veneto-Tridentino* 9 (1926): 8, and in Gallo, "Marco Polo, la sua famiglia e il suo libro," 77, both based only on the testament of Marco Polo the elder, paternal uncle of the traveller (Cicogna, *Delle iscrizioni veneziane* 3:489–90, no. 1; Lazari, *I viaggi di Marco Polo*, 429–31, no. 1) and not taking into account the relationship between San Severo and San Lorenzo, for which see S. Lorenzo, ed. F. Gaeta (Venice, 1959), 13–17.

³ "Item dimitto . . . libras quattuor cuilibet scolarum sive fraternitatum in quibus sum" (see n. 1 above).

⁴ On the confraternity della Misericordia in the thirteenth century, see B. Pullan, *Rich and Poor in Renaissance Venice: The Social Institutions of a Catholic State, to 1620* (Oxford, 1971), 37–38; and G. De Sandre Gasparini, "La pietà laicale," in *Storia di Venezia dalle origini alla caduta della Serenissima*. II. *L'Età del Comune*, ed. G. Cracco and G. Ortalli (Rome, 1995),

Nicolò, Matteo, and Marco from China⁵), was part of a group of associations later known as Scuole Grandi.⁶ These were founded from 1260 on, following the great success in Venice too, of the movement of the flagellants.⁷ In particular, the confraternity della Misericordia, originally named after St. Francis, was created in 1261, as is clear from its statute or the oldest mariegola.⁸ From the beginning it was linked to the Franciscan order, having elected the church of Santa Maria dei Frati Minori as the burial place for its brothers, for the monthly mass, and for the annual supper of the brothers,⁹ whereas the chapter meetings were held in the San Giovanni di Rialto church.¹⁰

The success of the confraternity was almost immediate, so much so that after an initial period, which culminated in 1271 with the approval of some changes to the mariegola due to the previously diminished numbers of the brothers,¹¹ nobles and commoners joined in good numbers in the following decades. In a first list, from 1289, just under 300 people belonged to the confraternity,¹² but this number increased to more than 500 in 1319,¹³ and to 600 shortly after 1324.¹⁴ This was despite repeated attempts on the part of the

947–50. Of particular importance is the information concerning the confraternity after 1310 in F. Corner, *Ecclesiae Venetae antiquis monumentis nunc etiam primum editis illustratae ac in decadis distributae* XII (Venice, 1749), 149–200; see also G. Scirè Nepi, “La Scuola Vecchia di Santa Maria della Misericordia di Venezia,” *Quaderni della Soprintendenza ai beni artistici e storici di Venezia* 7 (1978): 9–29; *Le scuole di Venezia*, ed. T. Pignatti (Milan, 1981), 217–18; and P. L. Sohm, *The Scuola Grande di San Marco 1437–1450: The Architecture of a Venetian Lay Confraternity* (New York and London, 1982), 309–13.

⁵ Gallo, “Marco Polo, la sua famiglia e il suo libro,” 95–110.

⁶ On the Scuole Grandi in the period considered, see De Sandre Gasparini “La pietà laicale,” 944–53; and for the period that followed, see L. Sbrizziolo, “Per la storia delle confraternite veneziane: dalle deliberazioni mistiche (1310–1476) del Consiglio dei Dieci. Le scuole dei battuti,” in *Miscellanea Gilles Gérard Meersseman*, 2 vols. (Padua, 1970), 2:715–63.

⁷ On the relationship between the flagellants’ movements and the confraternities, see G. G. Meersseman, *Ordo fraternitatis. Confraternite e pietà dei laici nel Medioevo*, 3 vols. (Rome, 1977), 1:463–75; and G. De Sandre Gasparini, “Movimento dei disciplinati, confraternite e ordini mendicanti,” in *I frati minori e il terzo ordine: Problemi e discussioni storiografiche*, (Todi, 1985), 89–98.

⁸ Venice, Archivio di Stato, *Scuola di S. Maria della Misericordia o della Valverde* (hereafter, ASV, *S. Maria della Misericordia*), reg. 1, fol. 1v; reg. 2, fol. 1r: “In nomine Patris et Filii et Spiritus Sancti, amen. Anno Domini millesimo CC⁰LXI⁰, indicione III^a. Incipiant capitula et ordinamenta scole seu fraternitatis beate genitricis Dei et domini nostri Iesu Christo gloriose virginis Marie matris Misericordie et beati Francisci.”

⁹ Ibid., reg. 1, fol. 2v; reg. 2, fols. 1v–2r.

¹⁰ Ibid., reg. 1, fol. 4r; reg. 2, fol. 6r (January 1271); reg. 2, fols. 8v–9r (21 February 1313).

¹¹ Ibid., reg. 1, fols. 4r–5r; reg. 2, fol. 6r–v.

¹² Ibid., reg. 1, fols. 12r–15r (December 1289).

¹³ See the list in the Appendix.

¹⁴ ASV, *S. Maria della Misericordia*, reg. 2, fols. 19r–26v. The list has no date, but the ab-

chapter to maintain numbers at a lower level by fixing the limit at 320 in 1290,¹⁵ 350 in 1294,¹⁶ and 400 in 1306.¹⁷

The dates of the lists are very significant. They belong to a period which was crucial in the formation of the Venetian State, namely, the years immediately before and after the Serrata del Maggior Consiglio (1297),¹⁸ when the strengthening of the aristocratic class caused the exclusion of the commoners from power and from the major offices, without preventing the participation of nobles and common citizens (or even some foreigners) in devotional and charity associations,¹⁹ as shown in the three lists of people affiliated to the confraternity della Misericordia.

In particular, among nobles and commoners indicated in the list of 1319, published below, there are some important people who were well known in the society of the time. Some of them were in the service of the Comune, such as chancellor Tanto, who was responsible for the Ducal chancellery and who was already a member of the confraternity in 1289.²⁰ His name has a place of honour in the list, just after the prior of the Misericordia.²¹ The list also includes Tanto's successor to the important position, Pistorino,²² who was then a scribe but is again present in the post-1324 list with the title of chancellor.²³ In the 1319 list we also find another notary of the Ducal chancellery (*no-*

sence of Marco Polo and Chancellor Tanto (who both died in 1324) and the presence of Chancellor Pistorino (who took Tanto's place in that very year) are decisive for establishing the date at which it was written.

¹⁵ Ibid., reg. 1, fol. 16r; reg. 2, fol. 6v (23 March 1290).

¹⁶ Ibid., reg. 2, fol. 7r (20 December 1294).

¹⁷ Ibid., reg. 2, fol. 8v (September 1306).

¹⁸ See F. C. Lane, "The Enlargement of the Great Council of Venice," in *Florilegium historiale. Essays Presented to Wallace K. Ferguson*, ed. J. G. Rowe and W. H. Stockdale (Toronto, 1971), 236–74; G. Ruggiero, "Modernization and the Mythic State in Early Renaissance Venice: The Serrata Revisited," *Viator* 10 (1979): 245–56; and G. Rösch, "The Serrata of the Great Council and Venetian Society, 1286–1323," in *Venice Reconsidered: The History and Civilization of an Italian City-State, 1297–1797*, ed. J. Martin and D. Romano (Baltimore, 2000), 67–89.

¹⁹ See the discussion of nobles in confraternity lists in R. Mackenney, *Tradesmen and Traders: The World of the Guilds in Venice and Europe, c. 1250–c. 1650* (London, 1987), 54.

²⁰ ASV, *S. Maria della Misericordia*, reg. 1, fol. 12r ("Magister Tanto cancellario"). On Chancellor Tanto, who held his office from 1281 to 1324, see M. Pozza, "La cancelleria," in *Storia di Venezia dalle origini alla caduta della Serenissima*, vol. 3: *La formazione dello stato patrizio*, ed. G. Arnaldi, G. Cracco, and A. Tenenti (Rome, 1997), 367–68.

²¹ No. 2 in the Appendix below, "Tanto cançeler."

²² No. 375, "Pistorin scrivan."

²³ ASV, *S. Maria della Misericordia*, reg. 2, fol. 25r: "Pistorin canceler de conseio." On Chancellor Nicolò, called Pistorino, who held office from 1324 to 1352; see Pozza, "La cancelleria," 370.

dero,²⁴ three scribes (*scrivan, scriba*),²⁵ and three judicial officers (*gastaldo*).²⁶ It is interesting to note the presence of three priests,²⁷ five physicians,²⁸ and eight mediators (*meseta, meseta*).²⁹ Among merchants and craftsmen we can remark the presence of twenty-five goldsmiths (*orese, orexe, aurexe*),³⁰ nine sellers of precious silk textiles (*samiter*),³¹ nine pharmacists (*special*),³² nine tailors (*sartor*),³³ eight shop owners (*staçoner, staçonero*),³⁴ seven furriers (*piliçer, pelicer, pilicer, pillicer, pilliçer*),³⁵ six cheese sellers (*caxarol, caxarolo*),³⁶ and five mercers (*marcer, marçero, merçer*).³⁷

Members of different branches of the Polo family participated, in various measures, in the confraternity. In the list of 1289, we also find among the confraternity one Nicolò, inhabitant of the parish of Sant'Eustachio, but it is simply someone with the same name as Marco's father, who at that time had not yet returned from his long stay in China.³⁸ Thirty years later, however, there were three Polos among the *fratres* of Misericordia: Pietro, resident in San Geremia,³⁹ Marco Milione;⁴⁰ and Matteo, from San Marciliano.⁴¹

The second Polo present in this list is identifiable as the traveller, who is recorded here for the first and only time with any certainty by his nickname of "Milione" (*Milion*). This information is particularly interesting, because previously the same nickname, of unknown origin, after which Marco's work

²⁴ No. 467 in the Appendix below, "Basano nodero da palaço."

²⁵ No. 51, "Cannin scrivan de l'Armamento"; no. 105, "Rigo frar de Bortholamio scrivan da le Carte"; no. 462, "Petrus de Viviano scriba tabulle Ternarie."

²⁶ No. 53, "Bernardo gastaldo de meser lo doxe"; no. 224, "Çulian dal Corlo gastaldo de Sen Marco"; no. 500, "Tomasin Contarini gastaldo de li precolatori de San Basso."

²⁷ No. 4: "Pre Bortholamio plovan de Sen Iacomo de l'Orio"; no. 77, "Pre Armorò de Sen Caxan"; no. 244, "Pre Marco de li Çinque de Sancta Maria Formosa."

²⁸ No. 56, "Maistro Symon medego"; no. 132, "Maistro Francesco medego"; no. 345, "Maistro Rafaletto medego"; no. 470, "Maystro Helya fisico"; no. 512, "Maistro Ravanin medego de fisega da San Cantian."

²⁹ Nos. 16, 35, 197, 256, 298, 344, 388, 429.

³⁰ Nos. 8, 17, 32, 49, 54, 61, 91, 121–23, 145, 162, 179, 208, 210–11, 223, 234, 253, 272, 275, 346, 398, 418, 453.

³¹ Nos. 21, 33, 120, 133, 140, 261, 351, 426, 433.

³² Nos. 19, 23, 42, 48, 86, 163, 284, 290, 371.

³³ Nos. 22, 29–30, 36, 52, 119, 136, 193, 504.

³⁴ Nos. 44, 76, 124, 130, 249, 377, 405, 508.

³⁵ Nos. 118, 285, 347, 373, 442, 461, 492.

³⁶ Nos. 25, 127, 238, 349, 441, 491.

³⁷ Nos. 158, 206, 247, 364, 449.

³⁸ ASV, *S. Maria della Misericordia*, reg. 1, fol. 15v, "Ser Nicolao Paulo da Sancto Stadhi."

³⁹ No. 79, "Pero Polo de Sen Ieremia."

⁴⁰ No. 99, "Marco Polo Milion."

⁴¹ No. 363, "Mafeo Pollo Sancti Marciliai."

was named, had formerly been attributed to his homonymous uncle who is thought to have died in 1305 or 1306, and also to the same uncle's son, Nicolò, who probably died in 1319.⁴²

In the post-1324 list, as some years before, there was also Matteo Polo of San Marciliano⁴³ and Pietro Polo of San Geremia,⁴⁴ but the traveller, who had by this time died, does not appear again, nor do any other members of his branch of the family.

⁴² For the nickname “Milion” and its attribution to some members of the family, see the views expressed in Gallo, “Marco Polo, la sua famiglia e il suo libro,” 87–94, and “Nuovi documenti riguardanti Marco Polo e la sua famiglia,” *Atti dell'Istituto Veneto di scienze, lettere ed arti* 116 (1957–58): 312–15.

⁴³ ASV, *S. Maria della Misericordia*, reg. 2, fol. 22r: “Mafeo Polo de Sam Marcilian.”

⁴⁴ Ibid., reg. 2, fol. 24v: “Pero Polo de San Ieremias.”

APPENDIX

1 August 1319

ASV, *Scuola di S. Maria della Misericordia o della Valverde*, reg. 2, fols. 11r–17v.

Millesimo trecentesimo decimo nono, inditione secunda, hoc opus actum fuit die primo augusti.

- 11rb {1} Lo prior de la Misericordia.
- {2} Tanto cançeler.
- {3} Marco Gabriel.
- {4} Pre Bortholamio plovan de Sen Iacomo de l'Orio.
- {5} Çanne da le Bocole.
- {6} Iacomo Signolo.
- {7} Venexi fostagnero.
- {8} Menego Çanchani orese.
- {9} Iacomo de ser Martin.
- {10} Bortholamio de Rena.
- {11} Çanne sanador.
- {12} Maistro Corbaçin de Sen Polo.
- {13} Francesco Bon de Santa Margarita.
- {14} Çan de Mes.
- {15} Nicolò Adoldo canbiadhor.
- {16} Nicolò Polani messeta.
- {17} Marco Verço orese.
- {18} Homobon Blancho.
- {19} Boniacomo special lo Fava.
- {20} Miiorin tentor dito Gibelin.
- {21} Conta samiter.
- {22} Anian sartor.
- {23} Bertolo special.
- {24} Nicolò Bon de Santo Agostino.
- {25} Cilio caxarol.
- {26} Stefano Pançera.
- {27} Iacomo Fermo da ca' Lo(n)go.
- {28} Bortolamio de Verardo.
- {29} Simion sartor.
- {30} Oliver sartor de Sen Pantalon.
- {31} Pero forman.
- {32} Andrea Boltremo orese.
- {33} Çanne Padoan samiter.
- {34} Bonafredo pescador.
- {35} Nicolò Saiinben messeta.
- {36} Pero Çecha sartor.

- ⟨37⟩ Artuxo Moço.
- ⟨38⟩ Bortolamio ⟨co⟩mandador da la Tola. 11va
- ⟨39⟩ Michel de Benedetto.
- ⟨40⟩ Lorenço Boniol.
- ⟨41⟩ Bonfriol de Sali.
- ⟨42⟩ Nicolò Bon special.
- ⟨43⟩ Çan de Rena.
- ⟨44⟩ Marco Marin staçoner.
- ⟨45⟩ Pero Gisi.
- ⟨46⟩ Blasio da Riva.
- ⟨47⟩ Marin Tachin.
- ⟨48⟩ Roman special.
- ⟨49⟩ Çan d'Avanzo orese.
- ⟨50⟩ Pero Michel.
- ⟨51⟩ Çannin scrivan de l'Armamento.
- ⟨52⟩ Çanne sartor da le Colce.
- ⟨53⟩ Bernardo gastaldo de meser lo doxe.
- ⟨54⟩ Iacomo Vener orese.
- ⟨55⟩ Marco cavrero.
- ⟨56⟩ Maistro Symon medego.
- ⟨57⟩ Maistro Pero dal Ponte.
- ⟨58⟩ Felipo Quintavallo.
- ⟨59⟩ Blasio Sento de San Bernaba.
- ⟨60⟩ Ançolo Çucato murer.
- ⟨61⟩ Vetor Vido orese. 11vb
- ⟨62⟩ Corado da Porto da Sen Felise.
- ⟨63⟩ Marco Agostin da Sen Rafiel.
- ⟨64⟩ Çanne da la Fontana de Sen Pantalon.
- ⟨65⟩ Marco Bonamigo coltrer.
- ⟨66⟩ Andrea Maçaman.
- ⟨67⟩ Bortolamio Greti.
- ⟨68⟩ Pero da li Caramali.
- ⟨69⟩ Armorò Busenello filacanevo.
- ⟨70⟩ Denego afinador.
- ⟨71⟩ Delay de li Cagnoli.
- ⟨72⟩ Francesco Longo da Sen Thomado.
- ⟨73⟩ Bortolameo da Riva.
- ⟨74⟩ Nicolò Benedetto da Sen Caxan.
- ⟨75⟩ Pantalon Alberegno da Sen Marcilian.
- ⟨76⟩ Nicoletto Rosso staçoner.
- ⟨77⟩ Pre Armorò de Sen Caxan.
- ⟨78⟩ Michel Agostin de Sen Rafiel.
- ⟨79⟩ Pero Polo de Sen Ieremia. 12ra
- ⟨80⟩ Marin Moro da Sen Çan Degolado.

⟨81⟩ Maistro Obiço.
 ⟨82⟩ Çan cavaler da Sen Marcilian.
 ⟨83⟩ Negrin da la Roxa.
 ⟨84⟩ Antonio remer.
 ⟨85⟩ Marco Belloxello.
 ⟨86⟩ Marco de ser Tiboldin special.
 ⟨87⟩ Amistade Trevisan.
 ⟨88⟩ Çon Alemanno.
 ⟨89⟩ Romio fracapan.
 ⟨90⟩ Michel de Clario caleger.
 ⟨91⟩ Iacomo orese lo Fava.
 ⟨92⟩ Francesco Bon.
 ⟨93⟩ Pero da Cavaxo.
 ⟨94⟩ Daniel Nicola.
 ⟨95⟩ Marcuço Barbo.
 ⟨96⟩ Çannin Polin.
 ⟨97⟩ Çanne de Petraca becher.
 ⟨98⟩ Maineto Mançi.
 ⟨99⟩ Marco Polo Milion.
 ⟨100⟩ Gervasio Basedello.
 ⟨101⟩ Ançolo Grassello.
 ⟨102⟩ Francesco de Meço.
 ⟨103⟩ Betin oster. 12rb
 ⟨104⟩ Iacomo tentor de Sen Lio.
 ⟨105⟩ Rigo frar de Bortholamio scrivan da le Carte.
 ⟨106⟩ Marco Bon.
 ⟨107⟩ Pero Goxoni.
 ⟨108⟩ Lançaroto çimador.
 ⟨109⟩ Francesco Foscarini.
 ⟨110⟩ Pero Bruialosso de Sen Bernaba.
 ⟨111⟩ Pero Riço straçarol.
 ⟨112⟩ Nicolò Contarini de Sen Caxan.
 ⟨113⟩ Margarito pancogolo.
 ⟨114⟩ Armorò da Mare.
 ⟨115⟩ Pero Maurii.
 ⟨116⟩ Thomado fio de Çen Favro.
 ⟨117⟩ Lunardo Boldù.
 ⟨118⟩ Marin Turlon piliçer.
 ⟨119⟩ Nicoleto de Galesegna sartor.
 ⟨120⟩ Marco de la Dina samiter.
 ⟨121⟩ Felipo Vido orese.
 ⟨122⟩ Bertuçi de l'Anguilla orese.
 ⟨123⟩ Clario orese.
 ⟨124⟩ Gabriel Çulian staçoner. 12va

- ⟨125⟩ Thomado Barbarigo da Sen Gervasio
- ⟨126⟩ Marin Raguseo da Sen Cancian.
- ⟨127⟩ Nicolò Trun caxarol.
- ⟨128⟩ Girardo Amado.
- ⟨129⟩ Rafiel Civran.
- ⟨130⟩ Dardo Signo staçoner.
- ⟨131⟩ Menego Prefagnan compravendi.
- ⟨132⟩ Maistro Francesco medego.
- ⟨133⟩ Nadal samiter.
- ⟨134⟩ Felipo Foscolo.
- ⟨135⟩ Çan Salomon.
- ⟨136⟩ Marco Cavasani sartor.
- ⟨137⟩ Çan cavrero.
- ⟨138⟩ Iacomin de Bernardo da la Tola.
- ⟨139⟩ Folcher Fava.
- ⟨140⟩ Pero Grasso samiter de Senta Margarita.
- ⟨141⟩ Maistro Francesco de li Malumbra.
- ⟨142⟩ Marco de Rena de Sen Felise. 12vb
- ⟨143⟩ Çan de Ravagnan de Sen Iermia.
- ⟨144⟩ Çan Savio.
- ⟨145⟩ Marin Panensacho orese.
- ⟨146⟩ Marin de ser Adamo Trevisan.
- ⟨147⟩ Nicolò Dodho da Sen Çanne Bragola.
- ⟨148⟩ Albertin Dente cambiador.
- ⟨149⟩ Marco Lovato.
- ⟨150⟩ Nicolò Navaier.
- ⟨151⟩ Çannin Maldalcesano.
- ⟨152⟩ Pero Busenello.
- ⟨153⟩ Gabriel Pisani.
- ⟨154⟩ Marco fiio de ser Francesco Longo.
- ⟨155⟩ Çannin de ser Francesco Foscarini.
- ⟨156⟩ Çanne Pentolo.
- ⟨157⟩ Marco Maçaman.
- ⟨158⟩ Dino Toscan mercer.
- ⟨159⟩ Ançolo vanter.
- ⟨160⟩ Felipo da la Fontana.
- ⟨161⟩ Gabriel Barbarigo.
- ⟨162⟩ Benedetto orese.
- ⟨163⟩ Nicolò Donosdio special. 13ra
- ⟨164⟩ Marco Torello.
- ⟨165⟩ Pero Emo.
- ⟨166⟩ Çanne Gavinello.
- ⟨167⟩ Marco Lando.
- ⟨168⟩ Nicoletto de Pero hoster.

- ⟨169⟩ Çan Griti.
- ⟨170⟩ Nuço Bandella.
- ⟨171⟩ Marin Foscarini fio de Aço.
- ⟨172⟩ Francesco Valer.
- ⟨173⟩ Roman Dedo de Sen Benedeto.
- ⟨174⟩ Nicolò Moresini de Sancta Maria Formosa.
- ⟨175⟩ Cristofalo Sapa.
- ⟨176⟩ Vivian Barbatella de Sen Ieremia.
- ⟨177⟩ Lunardolfo de Sen Gervaso.
- ⟨178⟩ Lunario da Molin da Sen Stadi.
- ⟨179⟩ Grossu orese de Sen Iacomo de l'Orio.
- ⟨180⟩ Marco da Bora.
- ⟨181⟩ Marco Negro da la Croxe. 13rb
- ⟨182⟩ Pero Orso de Sen Rafiel.
- ⟨183⟩ Francesco Spirito.
- ⟨184⟩ Graciadio Bon.
- ⟨185⟩ Nicoletto da Marçer.
- ⟨186⟩ Marco da Vençon.
- ⟨187⟩ Nicolò Dolfin fio ke fo de ser Çanne.
- ⟨188⟩ Marin Albor.
- ⟨189⟩ Bortholamio da Molin straçarol.
- ⟨190⟩ Marco Saiinben.
- ⟨191⟩ Servodio Rosso glirer.
- ⟨192⟩ Marin del Gastaldo.
- ⟨193⟩ Çannin d'Arvasio sartor.
- ⟨194⟩ Mafio Pandin.
- ⟨195⟩ Cabrin de Lonbardo fostagner.
- ⟨196⟩ Çan Nani de Canareglo.
- ⟨197⟩ Tachella messeta.
- ⟨198⟩ Marco da la Frascada.
- ⟨199⟩ Lunardo fio de ser Marco Marin.
- ⟨200⟩ Allodano Ariano ser Rafael.
- ⟨201⟩ Martin Marin.
- ⟨202⟩ Nicolò Polin massero de la Moneda. 13va
- ⟨203⟩ Nicolò Çanne lo Cevalo.
- ⟨204⟩ Pero Lando de Sen Gervaso.
- ⟨205⟩ Servodio Blanco.
- ⟨206⟩ Michel ke fo fio de ser Menego merçer.
- ⟨207⟩ Ançolo Trevisan de Sen Caxan.
- ⟨208⟩ Andrea Signolo orese.
- ⟨209⟩ Rigo Valente de Sento Ançolo.
- ⟨210⟩ Simion orese.
- ⟨211⟩ Pandin orese de Sen Marcola.
- ⟨212⟩ Lunardo Sten de Canareglo.

- (213) Vetor da Stopa.*
- (214) Polo Dolfin.*
- (215) Marco Lion de Sen Stadi.*
- (216) Marco de Meço de Sancta Maria Formosa.*
- (217) Marco Bon de Sen Symion Profeta.*
- (218) Iacomo Bocaxo de Sen Symion.* 13vb
- (219) Andrea Bondemiro.*
- (220) Filipo Muse.*
- (221) Marin Gallon.*
- (222) Çan Lambardo.*
- (223) Iacomo Boscarin orese.*
- (224) Çulian dal Corlo gastaldo de Sen Marco.*
- (225) Çannoto Pelegrin de Sen Iacomo de l'Orio.*
- (226) Bertuci berreter de Sen Salvador.*
- (227) Iacomo Trun de Sen Marcola.*
- (228) Belletto Lando de Sen Iacomo de l'Orio.*
- (229) Lunardo Sten de Canareglo.*
- (230) Pero Çorço de Sen Marcola.*
- (231) Iacomo Çen de Sen Cancian.*
- (232) Boso conçapere de Santo Apostolo.*
- (233) Lunardo Çancani de Sen Pantalon.*
- (234) Vetor orese de Sen Iacomo de l'Orio.*
- (235) Çan Calovrin comandador.* 14ra
- (236) Viielmo dal Lignamine de Sen Çanne Novo.*
- (237) Çan Caocho de Sen Fantin.*
- (238) Donado caxarol de Sen Thomado.*
- (239) Nicolò Macharello de Sen Bernaba.*
- (240) Andrea Pisani fio de ser Nicolò.*
- (241) Iacomo Lovari Sancto Trevarso.*
- (242) Polo Barbo de Sen Polo.*
- (243) Çan Pandin çimador de Sen Çan de Rialto.*
- (244) Pre Marco de li Çinque de Sancta Maria Formosa.*
- (245) Girardo Çaparin de Sen Çuminian.*
- (246) Saladin Premarin de Sen Polo.*
- (247) Marin Raguseo merçer de Sen Rafiel.*
- (248) Felipo Bondemiro de Sen Pantalon.*
- (249) Lunardo Çuchello staçoner de Sen Samuel.* 14rb
- (250) Francesco Alberto de Sen Benedeto.*
- (251) Nicolò Cervato de Sancta Fosca.*
- (252) Çannin Paolini cambiador de Sen Marco.*
- (253) Çulian orese de Sen Iacomo de l'Orio.*
- (254) Felipo Grimani de Sen Lio.*
- (255) Felipo Tinto de Sen Gervasio.*
- (256) Francesco Blanco messeta de Sen Felise.*

- (257) Pero Contarini de Sen Luca.*
- (258) Andrea Marioni de Sen Boldo.*
- (259) Possemin tentor de Sen Çan Grisostemo.*
- (260) Çan Vener de Sen Çan Degolado.*
- (261) Lunardo de Ina samiter de Sen Felise.*
- (262) Çan Gebelin tentor de Sen Çanne Grisostemo.*
- (263) Bortholamio Longo de Sancto Agostin.*
- (264) Fantin Contareni de Sen Paternian.*
- (265) Nicolò Caravello de Sen Gervasio.*
- (266) Nicolò Moresini de Sen Silvestro.*
- (267) Loboni comito de Sen Marcilian.*
- (268) Çan Laronin de Sen Bernaba.*
- (269) Pero Contarini de Sen Pantalon.*
- (270) Menego da le Colce de Santo Aponal.*
- (271) Nicolò Faler Comachin de Sen Thomado.*
- (272) Nicolò orese da cha Vener de Sen Vidal.*
- (273) Çan Valer de Sen Felise.*
- (274) Francesco Donado de Sancta Sophia.*
- (275) Nicolò Pençin orese de Sancto Antolin.*
- (276) Çanne de Gosiner de Sancto Apostolo.*
- (277) Andrea Michel de Sancta Sofia.*
- (278) Pero Graselli de Sen Iermia.*
- (279) Felipin compravendi de Sen Felise.*
- (280) Almerigo da la Stella.*
- (281) Nicolò Avonal.*
- (282) Vido d'Avençin Florentin.*
- (283) Andrea Moçenigo de Sen Caxan.*
- (284) Nicolò Sten special.*
- (285) Marco de Çilio pilicér.*
- (286) Çannebon de Favoni da la Çudecha.*
- (287) Marco Eriço de Sen Çanne Bragola.*
- (288) Marco Balçan de Sen Çuminian.*
- (289) Francesco de Basin da le Pancere.*
- (290) Çanoto Tachella special.*
- (291) Çannin Çusto.*
- (292) Pero Conçin de Sen Polo.*
- (293) Stefano da Poço.*
- (294) Armorò Blancho.*
- (295) Pero Cadovrin.*
- (296) Luca Vidal.*
- (297) Michaleto Michel.*
- (298) Arian messeta.*
- (299) Francesco Barbo.*
- (300) Marco Copo de Sen Paternian.*

14va

14vb

15ra

- ⟨301⟩ Flor de Vin.
- ⟨302⟩ Marco Amadio de Santa Maria Formosa.
- ⟨303⟩ Melli pescador dito Cavaler.
- ⟨304⟩ Marco de Verardo.
- ⟨305⟩ Blasio da Cara.
- ⟨306⟩ Marco Donado de Senta Fosca.
- ⟨307⟩ Gabriel dal Campanil.
- ⟨308⟩ Pantalon Teldi.
- ⟨309⟩ Michel Sten.
- ⟨310⟩ Rainer Premarin.
- ⟨311⟩ Michel cavrer.
- ⟨312⟩ Çannin Michel.
- ⟨313⟩ Andrea Gunberto.
- ⟨314⟩ Nicolò scandaloler.
- ⟨315⟩ Piero cimador.
- ⟨316⟩ Marco d'Avanço.
- ⟨317⟩ Dardi forman de Sen Gervasio.
- ⟨318⟩ Pantalon sonador.
- ⟨319⟩ Pero Muse.
- ⟨320⟩ Marin Civran de Sancto Apostolo.
- ⟨321⟩ Francesco da Ço compravendi.
- ⟨322⟩ Marin de Boveto marçer.
- ⟨323⟩ Iannin Contarini de Santo Apostolo.
- ⟨324⟩ Limoneto Paninsacho.
- ⟨325⟩ Pantalon da Porto.
- ⟨326⟩ Iacomo Saracena de Santa Sophia.
- ⟨327⟩ Andriol Trivisan de Sen Iacomo de l'Orio.
- ⟨328⟩ Lorenço Trivisan de Sancta Malgarita.
- ⟨329⟩ Ungarello Nadal.
- ⟨330⟩ Bortholameo Lovari dito Sclavo.
- ⟨331⟩ Mafio de Renoldo.
- ⟨332⟩ Andriol flio de ser Bon Venician.
- ⟨333⟩ Rigo Suça pancogolo.
- ⟨334⟩ Marco da Porto.
- ⟨335⟩ Radin Lando.
- ⟨336⟩ Francesco Querin.
- ⟨337⟩ Ser Çanin Cabriel da Sancta Maria Matre Domini.
- ⟨338⟩ Bertuçi Michel Scaço.
- ⟨339⟩ Nicolò Filacho.
- ⟨340⟩ Pero Musegeta.
- ⟨341⟩ Marin Badoer de ser Ruçer che fo.
- ⟨342⟩ Pero de Gracia.
- ⟨343⟩ Çanin de Odorigo da cha d'Armanno.
- ⟨344⟩ Iacomo Trivisan messeta.

15rb

15va

- (345) Maistro Rafaletto medego.*
- (346) Francesco Pelegrin orese.*
- (347) In prima Variento de Thomado pilliçer.*
- (348) Marco Porcelin de Paludo.*
- (349) Fradello caxarolo.*
- (350) Delay Capello.*
- (351) Marco Gaio samiter.*
- (352) Mafio da Porto.*
- (353) Thomado de Boveto.*
- (354) Nicheto compravendi.*
- (355) Çannebon de Sen Bernaba.*
- (356) Çanne Michel de Sen Caxan.*
- (357) Oliver d'Avanço.*
- (358) Pero Bon çimador de Sen Caxan.*
- (359) Pero Goro Sen Rafaelli.*
- (360) Rigo coltrer de Sen Lio.*
- (361) Otonel barber de Sen Bortolamio.*
- (362) Francesco Cessarin.*
- (363) Mafeo Pollo Sancti Marciliai.*
- (364) Marco de Boveto marcer.*
- (365) Michel Vener.*
- (366) Simon Aventurado.*
- (367) Lunardo scuder.*
- (368) Viielmo Çaparin.*
- (369) Çannin Auriol.*
- (370) Çannin Querin.*
- (371) Ruberto Moço special.*
- (372) Marco da Monte de Sen Pantalon.*
- (373) Pero Amado pilicer.*
- (374) Armerò Vendelim.*
- (375) Pistorin scrivan.*
- (376) Marco Nadal.*
- (377) Nicoletto staçonero da la cha Nova.*
- (378) Nicolò Sanudo.*
- (379) Bevegnudo pancogolo.*
- (380) Benaventura de Roecho.*
- (381) Lunardo Pasqualigo.*
- (382) Pero Nadal.*
- (383) Ançolo Çanasi.*
- (384) Marin Suça pancogolo.*
- (385) Iacomello soler.*
- (386) Mafio Ragusio.*
- (387) Ventura de Gracia.*
- (388) Antonio Lovo messeta.*

15vb

16ra

⟨389⟩ Nicolet Sarafin.
 ⟨390⟩ Marco flio de ser Bon Venecian.
 ⟨391⟩ Çanne Tiboldin da Sen Fantin.
 ⟨392⟩ Marco Çanchani dito Padoan.
 ⟨393⟩ Donado de li Albasi.
 ⟨394⟩ Belletto Barbo da Sen Pantalun.
 ⟨395⟩ Gabriel Dandolo da Sen Polo.
 ⟨396⟩ Çanin Tibaldin da Sen Salvador.
 ⟨397⟩ Çanin Flabanigo da Senta Margarita.
 ⟨398⟩ Iacomo Redolfo aurexe da Sento Ançolo.
 ⟨399⟩ Bortholamio Benagla becher da Sen Iacomo de l’Orio.
 ⟨400⟩ Paulo de Boninsegna de Sen Stadi. 16rb
 ⟨401⟩ Mafio Blundo da Sen Baldo.
 ⟨402⟩ Katarin Donado da Sen Paternian.
 ⟨403⟩ Marin Sanudo da Senta Maria Formosa.
 ⟨404⟩ Lunardo de li Albasi da Sen Thomado.
 ⟨405⟩ Nicolò Civran staçonero de Senta Lucia.
 ⟨406⟩ Nicolò da le Bocole da Sento Ermacola.
 ⟨407⟩ Francesco batioro da Sen Lio.
 ⟨408⟩ Marco Permarin da Sen Casan.
 ⟨409⟩ Baioco becher da Sen Casan.
 ⟨410⟩ Vielmo batioro da S(enta) Sophya.
 ⟨411⟩ Marco Sarçena de S(enta) Sophya.
 ⟨412⟩ Iacomo Dandolo lo Faro de Sen Lucha.
 ⟨413⟩ Francesco Dedo S(en) Apponal.
 ⟨414⟩ Ser Benenchà de San Lio.
 ⟨415⟩ Ser Mapheo Flabanigo de Santa Margarita.
 ⟨416⟩ Ser Climento Vidale de San Raphaele. 16va
 ⟨417⟩ Ser Marco Baro da Sen Polo.
 ⟨418⟩ Ser Çan da Bora orese da San Çuliano.
 ⟨419⟩ Ser Iacomino da Coneglano da San Lunardo.
 ⟨420⟩ Ser Nicolò Papaçığa.
 ⟨421⟩ Ser Çannin Papaçığa da San Pantalon.
 ⟨422⟩ Ser Francesco da Lago de San Pantalone.
 ⟨423⟩ Ser Pero Ponçan çimador da San Cassan.
 ⟨424⟩ Ser Benedeto da Molin da San Stadi.
 ⟨425⟩ Ser Bevegnudo Grasso carater de Sancta Maria Formosa.
 ⟨426⟩ Ser Mafio Brunan samiter S(en) Felixe.
 ⟨427⟩ Ser Nicolò Çaparin de S(en) Bernaba.
 ⟨428⟩ Ser Iacomelo Ghisi de S(en) Simion Profeta.
 ⟨429⟩ Ser Maçucho meseta de San Mafio de Riolto.
 ⟨430⟩ Ser Orsato Boninsegna de S(en) Stadi.
 ⟨431⟩ Ser Stevano Benedeto de San Lio.
 ⟨432⟩ Ser Nicolet Vener de S(en) Çan Degolado.

⟨433⟩ Ser Iacomo Longo samiter de San Marcilian. 16vb
 ⟨434⟩ Ser Marco Vener de San Cancian.
 ⟨435⟩ Ser Polo Signolo de S(en) Pantalon.
 ⟨436⟩ Ser Marco Stevano de S(en) Boldo.
 ⟨437⟩ Ser Nicholò Merlin de S(en) Stadi.
 ⟨438⟩ Ser Pero Trivixan straçarol de San Çulian.
 ⟨439⟩ Ser Iacomo Ferro de S(en) Aponal.
 ⟨440⟩ Ser Nicholeto Ghisi de S(en) Simion.
 ⟨441⟩ Ser Michaleto Lion caxarol da San Felixe.
 ⟨442⟩ Ser Çanin da Monte pillicer de veri de San Barnaba.
 ⟨443⟩ Ser Bertolin del Çoia da S(en) Barnaba.
 ⟨444⟩ Venecian del Copa S(en) Agusti(n).
 ⟨445⟩ Ser Çane Blanco S(en) Martini.
 ⟨446⟩ Ser Pollo Bonapaxe marçer S(en) Casani.
 ⟨447⟩ Ser Rigo Moresini S(enta) Maria Formosa.
 ⟨448⟩ Marco Rustego Sancti Gervasi.
 ⟨449⟩ Ser Daino Rigeti marçero Sancti Bartollamei.
 ⟨450⟩ Ser Nicollò sanador Sancte Iermia.
 ⟨451⟩ Ser Martin de Meço Sancti Pauli.
 ⟨452⟩ Ser Francischin Quirini de Sancto Toma.
 ⟨453⟩ Ser Çani Coco S(enta) Maria Formossa. 17ra
 ⟨454⟩ Ser Pero Marchadante de Sancto Ançollo.
 ⟨455⟩ Ser Marco da ca' da Trevixo Sancti Procolli.
 ⟨456⟩ Ser Marco Dedo Sancta Maria Formosa.
 ⟨457⟩ Ser Bortollamio Bon Sancta Maria Formosa.
 ⟨458⟩ Ser Marco Foscarini fillio miser Ruçer Sancti Paulli.
 ⟨459⟩ Marco da Molin fio che fo de ser Aço da Molin.
 ⟨460⟩ Marco Faler da Sen Tomado.
 ⟨461⟩ Menego Orso piliçer d'overa vera.
 ⟨462⟩ Petrus de Viviano scriba tabulle Ternarie.
 ⟨463⟩ Iohanninus de Arna spicial.
 ⟨464⟩ Bertuci de Lorenço de Barbaria.
 ⟨465⟩ Michel Delphino.
 ⟨466⟩ Nicoleto Michel de Sancta Croxe.
 ⟨467⟩ Basano nodero da palaço.
 ⟨468⟩ Ser Nicolò Sanudo da S(en) Agustin.
 ⟨469⟩ Ser Donado Quirino da S(en) Polo.
 ⟨470⟩ Maystro Helya fisico.
 ⟨471⟩ Iacomelo Bondemiro da Sancto Pa(n)talon.
 ⟨472⟩ Michel Morando da Sancto Benedeto.
 ⟨473⟩ Francescho Bandella de S(en) Polo.
 ⟨474⟩ Marco Vedello de Sancta Marina.
 ⟨475⟩ Marco Vituri da Sancta Maria Formosa. 17rb
 ⟨476⟩ Pero di Brufali de S(en) Agustin.

- ⟨477⟩ Maço Marioni de Sancta Maria Formosa.
- ⟨478⟩ Marco Talonigo da S(en) Paterniano.
- ⟨479⟩ Sclavo de ser Poltron.
- ⟨480⟩ Piero Bon da S(en) Barnaba.
- ⟨481⟩ Almorò Sclavo de S(en) Simion Pro(p)heta.
- ⟨482⟩ Nicolò Çanasini de S(en) Iervasio.
- ⟨483⟩ Mafio Bon de S(en) Felixe.
- ⟨484⟩ Piero Fingi de S(en) Iohanne Grisostimo.
- ⟨485⟩ Nicoleto de Meço de Senta Maria Fermosa.
- ⟨486⟩ Iacomello Mercadante de Sancto Bartolamio.
- ⟨487⟩ Marco Morexini de Sancto Pantalon.
- ⟨488⟩ Bartolamio Condolmer de S(enta) Maria Formosa.
- ⟨489⟩ Nicolò Trivixano lo Grando de S(enta) Fosca.
- ⟨490⟩ Franco Polin da Sen Muse.
- ⟨491⟩ Luca Vendramin caxarolo da Sen Felixe.
- ⟨492⟩ Ivan pelicer de la overa vera da Sen Boldo.
- ⟨493⟩ Iacomello Çacaria orexe da Senta Marina.
- ⟨494⟩ Piero Grande Gomberto da Sen Caxan in pe' de ser Piero Çeca.
- ⟨495⟩ Piero da l'Angnella da Sen Pantalon.
- ⟨496⟩ Coradin del Pevere da Sen Vidale.
- ⟨497⟩ Piero Martinaço de Sen Silvestro.
- ⟨498⟩ Marco da Poço de Sen Raphiel.
- ⟨499⟩ Blaxio d'Amadio da Senta Maria Formosa.
- ⟨500⟩ Tomasin Contarini gastaldo de li precolatori de San Basso.
- ⟨501⟩ Marco Dente da Sento Aponal.
- ⟨502⟩ Piero bater de banbaxio da San Iacomo de l'Orio.
- ⟨503⟩ Ser Piero Nanni da Senta Maria Formosa.
- ⟨504⟩ Alberto sartor da Senta Croxe.
- ⟨505⟩ Ser Bertuci de Renaldo de Sancto Agustin.
- ⟨506⟩ Ser Çanin Coco dito lo Negro de San Basso.
- ⟨507⟩ Ser Çane da Leçe da San Çane Novo.
- ⟨508⟩ Fantin Lovolo staçonero da Sen Scimion Apostolo.
- ⟨509⟩ Ser Marco Capello dito Capelletto da Senta Maria Matre Domino.
- ⟨510⟩ Ser Çordan Pagan de Sen Trovaxio.
- ⟨511⟩ Marco de Cavax da Sen Scimion Propheta.
- ⟨512⟩ Maistro Ravanin medego de fisega da San Cantian.
- ⟨513⟩ Miser Pin de li Bugni da San Caxan.

17va

BARTOLO OF SASSOFERRATO'S *DE TYRANNO*
AND SALLUSTIO BUONGUGLIELMI'S *CONSLIUM*
ON NICCOLÒ FORTEBRACCI'S TYRANNY IN
CITTÀ DI CASTELLO*

Julius Kirshner

ON the *Tyrant* (*De tyranno*, 1356–57) was originally conceived by Bartolo of Sassoferato († 1357) as part of a larger, multithemed project on politics and the rule of law in the regions of Umbria and Lazio united by the Tiber.¹ Yet it is striking that *De tyranno*, as well as other of parts of the project—*The Region of the Tiber (Tyberiadis)*, *On Guelphs and Ghibellines (De Guelphis et Gebellinis)*, and *On the Government of the City (De regimine civitatis)*, each composed in 1355—from the late fourteenth century onward frequently circulated and were read as independent tracts. Leaving aside authorial intention, on the basis of the history of its reception, I believe that it is justifiable to regard *De tyranno* as the first and, remarkably, only monograph by a medieval jurist on tyrants, which has served, and still serves, as a signature piece against tyranny.² Numerous manuscripts and printed editions and myriad references to *De tyranno* by later jurists affirm its wide diffusion in the fifteenth and sixteenth centuries.³ *De tyranno* also became a primary

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¹ On Bartolo's project, see Osvaldo Cavallar's pathbreaking study, “River of Law: Bartolus's *Tiberiadis (De alluvione)*,” in *A Renaissance of Conflicts: Visions and Revisions of Law and Society in Italy and Spain*, ed. John A. Marino and Thomas Kuehn (Toronto, 2004), 31–82.

² This comprehensive scope of *De tyranno* was underlined by Cardinal Domenico Toschi († 1620), *Practicarvm conclusionum ivris in omni foro frequentiorum . . .*, 9 vols. (Lyon, 1634–70), 4:179, concl. 304 (Tyrannus quis dicatur et multa de tyrannis), n. 3: “Et plenissime Bart. in tractatu suo De tyrannis, ubi quis sit tyrannus et quotuplex, vide eum, quia ubi sunt tractatus pleni, non intendo transcribere.”

³ For the manuscripts and editions, see Diego Quaglioni, *Politica e diritto nel Trecento italiano: Il “De tyranno” di Bartolo da Sassoferato (1314–1357); con l'edizione critica dei trattati “De Guelphis et Gebellinis,” “De regimine civitatis” e “De tyranno”* (Florence, 1983), 172–73, and “Intorno al testo del *Tractatus de tyrannia*” di Bartolo di Sassoferato, *Il pensiero*

source for attacks on tyranny leveled in republican Florence, from Coluccio Salutati to Savonarola.⁴ The robust conceptual framework and normative force of *De tyranno* informed the dissections of tyranny and tyrannicide by leading sixteenth- and seventeenth-century theorists, including Bodin, Théodore de Bèze, Stephanus Junius Brutus, Juan de Mariana, and Johannes Althusius.⁵ Although Wolff, Ercole, and Emerton have stressed the pragmatic rather than theoretical character of *De tyranno*,⁶ there is a conspicuous lack of concrete examples of the role *De tyranno* played in litigation over the acts of tyrants and their officials. One example occurred after the fall of the Medici regime

politico 10 (1977): 268–84. Quaglioni, *Politica e diritto*, 219–23, also demonstrates the incorporation of *De tyranno* in the *Somnium Viridarii*, the French version of which was composed between 1376 and 1378. For references to *De tyranno* by fifteenth- and sixteenth-century jurists, see Daniele Marrara, “Il ‘processo’ per tirannide celebrato contro il Duca Alessandro dei Medici: Problemi storico-giuridico,” *Bollettino storico pisano* 49 (1980): 41–44; Diego Quaglioni, “Rex e tyrannus nel *Repertorium* di Pietro del Monte (c. 1453),” *Quaderni catanesi di studi classici e medievali* 3 (1981): 444; Paulus de Castro ad *lex Decernimus* (Cod. 1.2.16), *In primam Codicis partem*, vol. 1 (Lyon, 1553), 13r–v; Gigliola Rondini Soldi, *Il “Tractatus de principibus” di Martino Garati da Lodi; con l’edizione critica dell’rubrica “De principibus”* (Milan, 1968), 113 n. 94; Giovanni Bertachini, *Repertorium*, 5 vols. (Venice, 1590), 5:267r, v. *Tyrannus*; Franciscus Zabarella ad c. *Si quis suadente* (Clem. 5.8.1), q. 4, v. *Terra*, *Lectura super Clementinis* (Venice, 1499), 187v; Panormitanus, *Consilia* (Venice, 1571), 2:83r–90r, cons. 3, n. 5; Philippus Decius, *Consilia*, 2 vols. (Turin, 1579), 2:57r–58v, cons. 407; Jason de Mayno, *Consilia* (Frankfurt am Main, 1609), 221–23, cons. 72, n. 1; and Marcus Antonius Natta, *Consilia*, 3 vols. (Venice, 1584), 1:88r–89v, cons. 122, n. 1.

⁴ Ronald G. Witt, *Hercules at the Crossroads: The Life, Works, and Thought of Coluccio Salutati* (Durham, N.C., 1983), 368–86, esp. 379; Daniela De Rosa, *Coluccio Salutati, il cancelliere e il pensatore politico* (Florence, 1980), 136–68, esp. 141; Diego Quaglioni, “Tirannide e democrazia: Il ‘momento savonaroliano’ nel pensiero giuridico e politico del Quattrocento,” in *Savonarola: Democrazia, tirannide, profezia*, ed. Gian Carlo Garfagnini (Tavernuzze, 1998), 3–16.

⁵ Mario Turchetti, *Tyrannie et tyrannicide de l’Antiquité à nos jours* (Paris 2001), 424–25, 435, 438, 475; Martin van Gelderen, “Introduction,” in *The Dutch Revolt*, ed. and trans. Martin van Gelderen (Cambridge, 1993), xxv. On Bodin, see Margherita Isnardi Parente, “Signoria e tirannide nella République di Jean Bodin,” in *Dispotismo: Genesi e sviluppi di un concetto filosofico-politico*, ed. Domenico Felice (Naples, 2001), 134–35; and on Althusius, see Merio Scattola, “Controversia de vi in principem: Vertrag, Tyrannis und Widerstand in der Auseinandersetzung zwischen Johannes Althusius und Henning Arnisaeus,” in *Wissen, Gewissen und Wissenschaft im Widerstandsrecht (16.–18.Jh.)*, ed. Angela De Benedictis and Karl-Heinz Lingens (Frankfurt am Main, 2003), 213.

⁶ Cecil N. S. Wolff, *Bartolus of Sassoferato: His Position in the History of Medieval Political Thought* (Cambridge, 1913), 171–72; Francesco Ercole, *Da Bartolo al Althusio* (Florence, 1932), 315; Ephraim Emerton, *Humanism and Tyranny: Studies in the Italian Trecento* (Cambridge, Mass., 1925), 120: “Salutati’s work was written to be read; Bartolus’s was written to be used.” But see the dissenting comments of Diego Quaglioni, “Situazioni e dottrine: Le elaborazioni dei giuristi,” in *Atti del convegno “Signorie in Umbria tra Medioevo e Rinascimento: L’esperienza dei Trinci,” Foligno, 10–13 dicembre, 1986*, vol. 1 (Perugia, 1989), 46.

in 1494, when Florentine jurists relied on *De tyranno* to justify the Pazzi's quest to reclaim their expropriated properties on the grounds that the expropriations stemmed from acts of tyranny.⁷ This article centers on another example, a legal opinion (*consilium*) of Bartolo's grandson, Sallustio Buonguglielmi (1373–1461), whose core arguments in a dispute over the salary of the *podestà* of Città di Castello, when the city was ruled by the tyrant Niccolò della Stella Fortebracci (1433–35), directly derived from *De tyranno*.

DE TYRANNO

Structured around a series of twelve *quaestiones*, *De tyranno* was academic and conventional in form. While Bartolo's condemnation of tyrants and tyranny was indebted to the writings of Pope Gregory the Great, Thomas Aquinas, and Giles of Rome, his approach was thoroughly juridical and his arguments overwhelmingly grounded in the *ius commune*, the constellation of medieval Roman, canon, and feudal law.⁸ Here I limit myself to highlighting several propositions elaborated in *De tyranno* and several related commentaries of Bartolo that were central to Sallustio's opinion.⁹

For Bartolo, following Aristotle and Aquinas, a tyrant is paradigmatically a ruler who oppresses his subjects and “the rule of a tyrant is the very worst kind of rule” (“Regimen tyranni pessimum est,” *De tyranno*, q. 3, 181; Kirshner, 13).¹⁰ If tyrannical rulers are habitually driven by an overweening desire to oppress, what makes a ruler a tyrant is not some innate defect of human nature or the mere commission of vile acts, but ruling contrary to law, encompassing the *ius commune* as well as municipal statutes and ordinances. The name “tyrant” is properly applied to unlawful rulers of a whole city, not to neighborhood officials or appointed administrative and judicial officials, no matter how great the oppression they have inflicted on the people, since they serve at the tyrant's pleasure and in theory can be removed by him (*De ty-*

⁷ Osvaldo Cavallar, “Il tiranno, i dubia del giudice, e i consilia dei giuristi,” *Archivio storico italiano* 155 (1997): 265–345.

⁸ For the different approaches toward tyranny taken by Giles of Rome and Bartolus, see Magnus Ryan, “Rulers and Justice, 1250–1500,” in *The Medieval World*, ed. Peter Linehan and Janet L. Nelson (London and New York, 2001), 513–14.

⁹ In referring to *De tyranno*, I cite the relevant *quaestio* and page number in Quaglioni's critical edition, published in *Politica e diritto*, 175–213. I also cite my translation of *De tyranno*, published in *University of Chicago Readings in Western Civilization*, ed. John W. Boyer and Julius Kirshner, 9 vols. (Chicago, 1986), vol. 5: *The Renaissance*, ed. Eric Cochrane and Julius Kirshner, 7–30.

¹⁰ See also Bartolus, *Tractatus de regimine civitatis*, q. 3 (ed. Quaglioni, *Politica e diritto*, 168–69).

ranno, q. 3, 182). The head of a household becomes a tyrant if he forces his wife and children under his paternal power (*patria potestas*) to enter into contracts and agreements they would not have otherwise made voluntarily (*De tyranno*, q. 4, 183–84). This tenet embodies a crucial theme: tyrannical violence and oppression need not be physical. Presumptive proof of a tyranny exists when citizens or subjects are unable to enter into contracts freely, and forced to make contracts they would not have made voluntarily, because they live under the fear-producing threat of violence. Fears aroused in the populace by a tyrant, Bartolo observed, continue as long as the tyranny exists.¹¹

Bartolo famously divided various kinds of tyrants and ways of ruling unlawfully into two types (*De tyranno*, q. 5, 184–85): The first included open and manifest tyrants (*apertus et manifestus*); the second, concealed tyrants operating tacitly (*velatus et tacitus*). A further, critical distinction was made. Some rulers are manifest tyrants because, having violently usurped public office, they lack legal title (*ex defectu tituli*) and jurisdiction to rule; other rulers possess legal title but become manifest tyrants through violent exercise of public power (*ex parte exerciti*). Bartolo acknowledged that the central and northern part of Italy was blighted with lords vested with legitimate title to rule, who nevertheless remained manifest tyrants because of their illegitimate conduct: Taddeo Pepoli and his sons appointed papal vicars of Bologna by Pope Clement VI; the tyrants in the March of Ancona established by the papal legate Cardinal Egidius Albornoz; and the ruling families of Lombardy, like the Visconti of Milan and Carrarese of Padua, granted imperial vicariates by Emperor Charles IV (*De tyranno*, q. 10, 204).

Sallustio's opinion focused on a manifest tyrant *ex defectu tituli* who, Bartolo explained, emerges in varied ways (*De tyranno*, q. 6, 185–87): externally, through an unjust war, when, without the authorization of an overlord, a city is conquered with foreign troops and opponents are expelled and their property confiscated; internally, through domestic intrigue, uprisings, or outright rebellion, whether perpetrated by commoners or notables. In accordance with the *lex Iulia maiestatis* (D. 48.4.3) these acts equal treason (*crimen laesae maiestatis*), the penalties for which included death.¹² Frequently, an official remains in office after his term has expired against the will of the overlord. Sometimes a powerless overlord is compelled by force or threat of force to

¹¹ Bartolus ad *lex Si ob turpem* (D. 12.5.8), *Commentaria*, 9 vols. (Venice, 1526; rpt. Rome, 1998), 2:43r, n. 5.

¹² Mario Sbriccoli, *Crimen laesae maiestatis: Il problema del reato politico alle soglie della scienza penalistica moderna* (Milan, 1974), esp. 255–361; Angela De Benedictis, *Politica, governo e istituzioni nell'Europa moderna* (Bologna, 2001), 297–327.

concede jurisdiction to the tyrant. And it happens that tyrants are able to secure approval from municipal legislative bodies, providing a façade of legitimacy, which Bartolo quickly stripped away. The common thread in all these model-fact cases is the instrumentalization of intimidation and force resulting in the usurpation of public power. Baldo degli Ubaldi of Perugia (†1400)—Bartolo's student and the preeminent Italian jurist of the late fourteenth century—agreed with his teacher: “If the emperor allows someone to rule, not because he rules well but because he cannot depose him, then this ruler is truly a tyrant and rebel of the empire and is guilty of the crime of treason.”¹³

Even if the acts of a manifest tyrant *ex defectu tituli* benefit the city, “he remains a tyrant,” Bartolo declared, “unless he is subsequently excused [by the overlord] for his misdeeds” (*De tyranno*, q. 6, 187; Kirshner, 16). The validity of the acts and contracts performed by a manifest tyrant himself or by the officials he appointed was an issue of immense practical relevance, one to which Bartolo devoted extensive attention (*De tyranno*, q. 7, 188–96), and was at the heart of Sallustio's opinion. The proof text was the *lex Decernimus* (C. 1.2.16), along with its standard gloss, which together were understood to mean that the acts performed by manifest tyrants without legitimate title and jurisdiction were *ipso iure* null and void. *Decernimus* applied, as well, to all the acts of officials directly appointed by tyrants. Did the acts performed by officials legitimately elected and appointed by a municipal council without interference from the tyrant merit the stamp of illegality? *Decernimus* seemed to apply to their acts, too, for in a time of tyranny it was assumed that no act could be performed freely, and Bartolo inferred affirmatively that “it seems as if everything is done by the tyrant himself” (*De tyranno*, q. 7, 188; Kirshner, 17). A rigid application of *Decernimus* would do more harm than good, Bartolo conceded, making distinctions necessary. Legal proceedings aimed at eliminating the tyrant's enemies and confiscating their property are invalid, as are all such measures taken against the church. Individuals, corporate entities, and ecclesiastical institutions may seek restitution for injuries and losses suffered from the responsible parties, invariably after the fall of the tyranny. At the same time, if the acts concerning common civil and criminal matters performed by judicial officials appointed by a once self-governing people (*populus liber*) constitute acts that would have ordinarily been carried out before the

¹³ See Baldus ad *lex Decernimus* (C. 1.2.16), ed. Diego Quaglioni, “Un *tractatus de tyranno*: Il commento di Baldo degli Ubaldi (1327?–1400),” *Il pensiero politico* 13 (1980): 80, q. 2: “Si autem imperator patitur aliquem regere, non quia regat bene, sed quia non potest ipsum expugnare, iste est tyrannus proprie et est rebellis Imperii, et tenetur criminis lese maiestatis.” Osvaldo Cavallar's and my translation of Baldo's commentary will appear in our forthcoming anthology of medieval Italian jurisprudence.

tyranny, they are valid. Even in a tyranny, Bartolo recognized, the continuance of an ordered daily life—“normality,” we would say today—requires the operation of the courts.

On the face of it, contracts concluded by a tyrant with his subjects, with the city, or some entity on the city’s behalf (*De tyranno*, q., 7, 191–96) appear to be invalid. Again, Bartolo refrained from taking a narrow approach, which would have led him to shun such contracts as invalid. Contracts made with subjects under the tyrant’s power are uncategorically invalid, for subjects are presumed by way of legal fiction to be minors incapable of entering into contracts freely. Likewise, a legal presumption exists that privileges and immunities granted the tyrant by the city are invalid in the same way a contract between a prisoner and the person who has imprisoned him is invalid. Citing the opinion of the canonist Hostiensis, Bartolo argued that contracts made by a tyrant favorable to the city should be considered binding. Contracts made by a tyrant which are disadvantageous to the city are patently invalid. A party who knowingly and willingly makes a contract with a tyrant may not claim later that the contract is invalid or claim restitution for damages because of ignorance that the other party was a tyrant. Indeed, as Bartolo, mockingly asks, “how is possible that anyone can remain ignorant of so notorious an event—as, for instance, that someone is a tyrant by defect of title?” (*De tyranno*, q. 7, 193; Kirshner, 20).

May tyrants be deposed? If so, by whom and under what circumstances? In *On Guelphs and Ghibellines*, Bartolo recognized that the formation of a faction for overthrowing a tyranny is lawful when its aim is to promote the public good (*publica utilitas*) of the city rather than its own private advantage.¹⁴ Such a faction is exempt from the heavy penalties for sedition, even when the overthrow of the tyranny precipitates disorder and riots in the city. The armed overthrow of the tyrant is lawful, provided that the ensuing disorder is less harmful than the expansive evils attending his regime. Citing Aquinas, Bartolo warned that members of the faction are open to the charge of sedition, if “the government of the tyrant is so violently disrupted that numerous subjects will suffer more harm from the disruption itself than from the government of the tyrant.”¹⁵ Despite this caveat, Bartolo’s views on factions were rejected by

¹⁴ Bartolus, *Tractatus de Guelphis et Gebellinis*, q. 3 (ed. Quaglioni, *Politica e diritto*, 138–39).

¹⁵ Ibid., 139: “Et ideo perturbatio huius regiminis non habet rationem seditionis, nisi forte quando sic inordinate perturbaretur tyranni regimen, quod multitudo subiecta maius dampnum pateretur ex perturbatione <con>sequenti, quam ex tyranni regimine.” My translation derives from the entire translation of Bartolo’s work that Osvaldo Cavallar and I have completed. Bartolo was quoting Thomas Aquinas, *Summa theologiae* 2-2.42.2 ad 3.

later jurists who held factions responsible for the civic turmoil devouring governments everywhere.¹⁶

The overthrow of the tyrant by a powerful internal faction was not envisioned in *De tyranno*, where the authority to depose the tyrant is vested in the tyrant's overlord, a savior legally and morally bound to deliver the people from tyrannical servitude. In Bartolo's eyes the reality of debilitated imperial and papal power, matched by the corresponding violent disorders in large cities and towns, dashed hopes of a timely arrival of a "just lord" to rid Italy of the scourge of tyranny.¹⁷ Spurning wishful thinking that the presence of tyranny was easily exorcised, he embraced instead the consequentialist ethical standard of the lesser evil: "so sometimes a just lord comes to terms with a tyrant and makes him his vicar so that he may first accomplish more pressing reforms" (*De tyranno*, q. 10, 204–5; Kirshner, 25).¹⁸ The just lord is metaphorically a physician resorting to the therapy of tyranny, a lesser evil, to purge the body politic of a greater public health hazard: civic discord. In less rhetorical terms, the relative security of stable seigniorial rule, though tyrannical, was preferred in circumscribed periods to the lethal faction-driven conflicts which it replaced. This concession to political expediency is acceptable as long as tyranny is not permanently institutionalized. The tyrant with a legitimate title is necessarily a transitional figure.¹⁹ A legitimate title does not automatically make a ruler legitimate. Unless he ceases to rule tyrannically after being granted legitimate title by the overlord, he remains a tyrant susceptible to deposition.

¹⁶ Roberto Abbondanza, "Franco Gaeta: Il vescovo Pietro Barozzi e il trattato *De factionibus extinguis*," *Bollettino dell'Istituto di storia della società e dello Stato veneziano* 1 (1959): 241–56; Marco Gentile, "Postquam malignitates temporum hec nobis dedere nomina. Fazioni, idiomi politici e pratiche di governo nella tarda età viscontea," in *Guelfi e ghibellini nell'Italia del Rinascimento*, ed. Marco Gentile (Rome, 2005), 267.

¹⁷ Bartolus ad lex *Decernimus* (C. 1.2.16), 7:25r, n. 1.

¹⁸ Louis Green, "The Image of Tyranny in Early Fourteenth-Century Italian Historical Writing," *Renaissance Studies* 7 (1993): 350, remarks that Bartolo's analysis "left open the possibility of provisional recognition of the authority of despotic regimes like the one Azzo Visconti had established in Milan." In his *Castruccio Castracani: A Study on the Origins and Character of a Fourteenth-Century Italian Despotism* (Oxford, 1986), Green offers a persuasive assessment of the accomplishments and shortcomings of Castruccio Castracani's tyranny in Lucca. For a perceptive discussion of the standard of lesser evil to justify emergency measures after September 11, 2001, in the United States, see Michael Ignatieff, *The Lesser Evil. Political Ethics in an Age of Terror* (Princeton, 2005).

¹⁹ Bartolo was in implicit disagreement with his teacher Ranieri Arsendi of Forlì, a partisan of the Carraresi lords in Padua and hardheaded pragmatist, who underscored the unlimited and plenary power of lords invested with an imperial or papal vicariate. See Federigo Martino, *Dottrine di giuristi e realtà cittadine nell'Italia del Trecento: Ranieri Arsendi a Pisa e a Padova* (Catania, 1984), 109–18.

As a part of broader discussion of salaries of university professors, advocates, and public officials in his commentary on the *lex Praeses provinciae*, § *Divus Severus* (D. 50.13.1.13),²⁰ Bartolo considered the moral compass and options of a *podestà* (a city's chief judicial magistrate and customarily a foreigner) facing unanticipated service in a tyrannical regime.²¹ He presented the hypothetical case of a foreigner appointed *podestà* of Perugia. After he accepted the position but before he left to assume it, a regime change occurred and the city fell under the sway of a tyrant or its functional equivalent, some faction (*aliqua secta*), preventing its new *podestà* from administering justice in strict adherence to the city's statutes and customs. Is the *podestà* entitled to his promised salary, even though he failed to come to the city to fulfill his obligation to perform podestarial duties? Yes, Bartolo replied, he is entitled to the full salary, and is excused from negligence, for the fault lies with the employer-city or the unforeseen event of regime change over which the appointed *podestà* had no control.²² Fearing the tyrant's cruelty, the *podestà* reasonably does not wish to submit to him.²³ "Likewise, according to the customs of Perugia (*mores nostre civitatis*) it is disgraceful and dishonorable to come to a place, where one cannot administer justice freely." Bartolo gave the

²⁰ For a brief introduction to the distinct legal issues relating to the salaries of lawyers, university professors, and public officials, see Manlio Bellomo "Il lavoro nel pensiero dei giuristi medievali: Proposte per una ricerca," in *Lavorare nel Medio Evo: Rappresentazioni ed esempi dall'Italia dei secc. X-XV* (Todi, 1983), 169–97.

²¹ For the text of Bartolo's commentary, see Appendix 1. The commentary is discussed by Anna Sheedy, *Bartolus on Social Conditions in the Fourteenth Century* (New York, 1942), 79–80. The issue is not examined in the otherwise informative *I podestà dell'Italia comunale*, ed. Jean-Claude Maire Vigeur, 2 vols. (Rome, 2000). For Bartolo's doctrines on the *podestà*'s responsibilities, see Diego Quaglioni, "L'ufficiale in Bartolo," in *L'educazione giuridica*, ed. Alessandro Giuliani e Nicola Picardi, 5 vols. (Perugia, 1981), vol. 4: *Il pubblico funzionario: Modelli storici e comparativi*, 149–61; and idem, "La responsabilità del giudice e dell'ufficiale nel pensiero di Bartolo da Sassoferato (1314–1357)," in his *Civilis sapientia: Dottrine giuridiche e dottrine politiche fra medioevo ed età moderna* (Rimini, 1989), 77–106.

²² Baldo was consulted on a case in which a Perugian appointed *podestà* of Città di Castello was scheduled under the terms of his appointment to appear four days before he assumed his position. Should he fail to appear on schedule, he was required to remain an extra five days in the city after completion of six months tenure. Owing to the tumult caused by the White Guelphs (*societas alba*) in his native city, the new *podestà*'s trip to Città di Castello was delayed by one day. Was he constrained to stay the extra five days for arriving late? No, Baldo replied, since the appointee was prevented from appearing as promised because of difficulties analogous to violent weather and thus through no fault of his own. See *Baldi Ubaldi Perusini . . . consiliorum sive responsorum, volumen primum*, 6 vols. (Venice, 1586; rpt. Turin, 1970), 1:83v, cons. 274.

²³ In support of his argument, Bartolo indirectly referred to a lost work of Cicero reported in *lex Fulcinus*, § *Quid sit latitare* (D. 42.4.7.4): "latitare est non, ut Cicero definit, turpis occultio sui: potest enim quis latitare non turpi de causa, veluti qui tyranni crudelitatem timet aut vim hostium aut domesticas seditiones."

example of Giacomo Gabrielli of Gubbio, elected *podestà* of Bologna in March 1336 and scheduled to assume office the following July, who declined to come to the city because of factional strife.²⁴

By the same token, if, during the *podestà*'s tenure, a tyrant or faction seizes control of the city, the *podestà* cannot remain there honorably, since he is able to leave the city and then return at another time without forfeiting his full salary. The explanatory clause “*quia potest reverti*” is syntactically awkward and was possibly inserted by Bartolo as an afterthought. The clause is also vague. It might mean that the *podestà* can leave the city and then return when the city's internal state of affairs permits. Alternatively, Bartolo might have had in mind the case in which the *podestà* can leave the city and come back later under a new contract, and then settle the matter of the previous salary. The presumption here is that the city is no longer under a tyranny and the new government is willing to “reward” the *podestà* for refusing to accept the wages of tyranny.

As Bartolo's widely known commentary on the *lex Praeses provinciae*, § *Divus Severus* was the starting point for legal commentaries and *consilia* on the salaries of university professors and public officials from the mid-fourteenth century onward,²⁵ Sallustio Buonguglielmi must have had it in mind when he prepared his *consilium*, even though he did not cite it. Admittedly, his *consilium* addressed a different question: whether a community must pay the salary of a *podestà* who is appointed by a tyrant and submits to his rule. The questions Bartolo and Sallustio addressed, though different, were nevertheless related and coexisted as opposite sides of the same coin. I have dwelt on Bartolo's discussion of the ethical and legal responsibility of the *podestà* to decline employment in a tyrannical regime, because it established standards for determining payment of a *podestà*'s salary. A *podestà*, acting in conformity with Bartolo's standards, would be entitled (a) to retain the full salary, if, as was the custom in some places, it was paid at the inception of his appointment; or (b) to demand his full salary from a place that paid its officials in installments. To my knowledge, Bartolo did not tackle the question of whether a *podestà* performing the duties of his office in a tyrannical regime was similarly entitled to his salary. Yet taking into account the totality of his unsparing arguments against tyranny and his discussion of the salaries of public officials, the answer would seem to be negative when the *podestà* was appointed extralegally by the tyrant himself in violation of the city's statutory

²⁴ Giovanni Ciappelli, “Gabrielli, Giacomo (Iacopo),” in *Dizionario biografico degli italiani*, vol. 51 (Rome, 1998), 97.

²⁵ See, e.g., Osvaldo Cavallar, “Francesco Guicciardini and the ‘Pisan Crisis’: Logic and Discourses,” *The Journal of Modern History* 65 (1993): 252–53.

electoral procedures. The legal inability of a *podestà* to demand an unpaid salary for services rendered to a tyrannical regime was tantamount to a penalty that might make one think twice before accepting an office from a tyrant. By heaping dishonor on men who willingly performed the duties of *podestà* and *capitano del popolo* in a tyrannical regime, Bartolo was sending a message to the legion of peripatetic foreigners seeking these offices that their reputations would be tarnished, and hence their employment opportunities suffer, if they worked for a tyrant.²⁶ In theory, the criminal penalties incurred by a tyrant for acts of treason and disobedience against his overlord would be incurred by a tyrant-serving *podestà*.

NICCOLÒ DELLA STELLA FORTEBRACCI

Bartolo's *manifestus tyrannus ex defectu tituli* was unquestionably applicable to the condottiere Niccolò della Stella Fortebracci, who, in 1433, maintained control of Città di Castello in disobedience to papal authority. Born in 1402, Niccolò was the illegitimate son of Stella Fortebracci, the sister of the condottiere Braccio Fortebracci of Montone, who had seized and controlled most of Umbria before his death in 1424.²⁷ The Fortebracci clan can be likened to early twenty-first-century warlords in Afghanistan, Sudan, Colombia, and other places where state control of the monopoly of violence is absent. Catalyzed by the desire for wealth and power rather than ideological conviction, they operated in an entrepreneurial market of violence, selling their services to the highest bidder, switching sides so that friends abruptly metamorphosed into lethal foes, and profiting from looting and protection money.²⁸ Things worsened in the 1420s and 1430s, when the papacy and Florence, two principal consumers of violence, fell behind in paying sizable

²⁶ On the professionalization, recruitment, and circuit of the men who served as *podestà* and *capitani del popolo* in the thirteenth century and first half of the fourteenth, see the studies gathered in *I podestà dell'Italia comunale*.

²⁷ Pier Luigi Falaschi, "Fortebracci, Andrea (detto Braccio da Montone)," in *Dizionario biografico degli italiani*, vol. 49 (Rome, 1997), 117–27. In the absence of an up-to-date, fact-based biographical profile of Niccolò Fortebracci, one must piece together the events of his career from uneven sources: see Pompeo Pellini, *Dell'istoria di Perugia* (Venice, 1664), part 2, 346–85; Ariodante Fabretti, *Biografie dei capitani venturieri dell'Umbria*, 3 vols. (Montepulciano, 1842–44), 1:161–206; Giovanni Muzi, *Memorie civili di Città di Castello*, 2 vols. (Città di Castello, 1844), 2:3–9 (chap. 11); and Emilio Lucci, "Niccolò Fortebracci nell'Umbria meridionale," in *Braccio da Montone: Le compagnie di ventura nell'Italia del XV secolo* (Narni, 1993), 147–56. A timeline of Niccolò's military exploits is found at the "Condottieri di ventura" website (<http://www.condottieridiventura.it/condottieri/f/0708%20%20%20%20%20%20NICCOLO.htm>).

²⁸ Mario Del Treppo, "Gli aspetti organizzativi economici e sociali di una compagnia di ventura italiana," *Rivista storica italiana* 85 (1973): 253–75.

wages to the mercenary captains whose services they had contracted.²⁹ Penurious popes like Eugenius IV had little option except to reward mercenary captains with papal towns and lands as fiefs, usually for ten years, over which they ruled as pontifical vicars and governors.³⁰

These circumstances are illustrated in Niccolò Fortebracci's short-lived career. Niccolò was hired by Florence in 1429 and served in its disastrous campaign against Lucca.³¹ Angry because he was not paid both his contracted wages and compensation for the loss of booty and equipment,³² he left Tuscany in May 1431 for Umbria, where he invaded and seized Città di Castello and its territory, earlier held by his uncle Braccio. The newly elected Pope Eugenius IV notified the priors, the city's chief executive magistracy, that he had not granted Città di Castello as a fief to Niccolò and that the city still remained immediately subject to the church.³³ Eugenius then contracted another condotierre, Count Guidantonio of Montefeltro, to expel Niccolò and his troops from the city. Niccolò, facing an overwhelming military force, retreated to the Fortebracci enclave in Montone, while Guidantonio installed himself as the new lord of Città di Castello. Guidantonio's position was ratified in August 1431, when Eugenius appointed him vicar general in temporals of the city.³⁴ In September 1432, with meager resources and desperate for troops to enforce his decrees and shore up his tenuous control in the Papal States, Eugenius reversed course. At the Council of Basel Eugenius designated Niccolò captain-general of the papal armies and invested him as lord of San Sepolcro for ten years.

A few months later, in early December, the families previously exiled from Città di Castello by Guidantonio, with support of their Perugian allies, toppled

²⁹ Anthony Molho, *Florentine Public Finances in the Early Renaissance, 1400–1433* (Cambridge, Mass., 1971), 15–19.

³⁰ Peter Partner, *The Lands of St Peter: The Papal State in the Middle Ages and the Early Renaissance* (London, 1972), 327–65; Daniel P. Waley, “Lo Stato papale dal periodo feudale a Martino V,” in *Comuni e signorie nell'Italia nordorientale e centrale: Lazio, Umbria e Marche, Lucca, Storia d’Italia 7.2* (Turin, 1987), 294–320; Mario Caravale, “Lo Stato pontificio da Martino V a Gregorio XIII,” in *Lo Stato pontificio da Martino V a Pio IX*, ed. Mario Caravale and Alberto Caracciolo (Turin, 1978), 1–57; Sandro Carocci, “Governo papale e città nello Stato della Chiesa: Ricerche sul Quattrocento,” in *Principi e città alla fine del medioevo*, ed. Sergio Gensini (San Miniato and Pisa, 1996), 151–224.

³¹ C. C. Bayley, *War and Society in Renaissance Florence: The “De militia” of Leonardo Bruni* (Toronto, 1961), 57, 96, 101.

³² Ibid., 107.

³³ Muzi, *Memorie* 2:5

³⁴ Fabretti, *Biografie* 1:178–79; Muzi, *Memorie* 2:5; Jean Guiraud, *L’État pontifical après le Grand Schisme* (Paris, 1896), 173; Luigi Fumi, “Il conte Guidantonio di Montefeltro e Città di Castello,” *Bollettino della Deputazione di storia patria per l’Umbria* 6 (1900): 387–95.

his regime.³⁵ On 19 December, the pope appointed Niccolò pontifical governor,³⁶ and Niccolò in turn named the jurist, Ruggero dell' Antignalla of Perugia, his lieutenant to govern Città di Castello. Arriving in the city immediately after the new year, Ruggiero had himself appointed captain and guardian of the prior's palace.³⁷ He presided over the Council of Thirty-Two Citizens (*Consilium Arbitrii*) with emergency powers to be wielded on behalf “of the well-being and preservation of the powers [*status*] of the splendid and mighty lord Niccolò Fortebracci, governor and lord of the Città di Castello, and the restoration of the commonwealth and preservation of the existing order and government.”³⁸ Soon after, Mariotto Baglioni of Perugia, Ruggero’s son-in-law, appointed by the “mighty lord” to a six-month term as *podestà*, took an oath in the presence of Ruggero to administer his office lawfully (*eius officium bene et legaliter exercere*) and faithfully to uphold the city’s statutes.³⁹ Unlike the pontifical governor, who was an officer of the papacy, and Niccolò’s lieutenant who served at his master’s pleasure, the *podestà*, though appointed by Niccolò, was an officer of the city. Since the early thirteenth century, the papacy had recognized, with certain conditions, the ability of Città di Castello—just as of other towns in the Papal States—to elect its own *podestà*.⁴⁰ The appointment of the *podestà* by Niccolò violated not only the city’s statutory electoral procedures but also an entrenched and jealously guarded entitlement that symbolized the city’s comparative freedom to govern its internal affairs. Viewed from another angle, however, the measures taken

³⁵ Muzi, *Memorie* 2:6–7.

³⁶ Città di Castello, Biblioteca Comunale “G. Carducci,” Archivio Segreto, Riformanze, 43, fol. 7r.

³⁷ Archivio Segreto, Riformanze 43, fol. 7v: “Magnificus dominus Rugerius de Antignalla, comes locumtenens Civitatis Castelli pro gloriose domino, domino Nicholao de Fortebracciis.” Ruggero, who lived and practiced law in Florence, was made a Florentine citizen in December 1415. A senator of Rome in 1410–11 and 1417, he died in January 1433. See Lauro Martines, *Lawyers and Statecraft in Renaissance Florence* (Princeton, 1968), 500–501; Alfonso Salimei *Senatori e statuti di Roma nel medioevo. I senatori; cronologia e bibliografia dal 1144 al 1447* (Rome, 1935), 160, 163.

³⁸ Archivio Segreto, Riformanze 43, fol. 8r (11 Jan. 1432): “. . . saluti et conservationi status magnifici et potentis domini, domini Nicolai de Foretebracciis, gubernatoris et domini Civitatis Castelli, et reparacioni rei publice et conservationi presentis status et regiminis.” There is no suitably transparent substitute for the polyvalent *status*. For its meanings as “power” and “existing order,” see Alberto Tenenti, “Archeologia medievale della parola Stato,” in his *Stato: Un’idea, una logica. Dal comune italiano all’assolutissimo* (Bologna, 1987), 15–52.

³⁹ Archivio Segreto, Riformanze 43, fol. 10r (12 Jan. 1432): “vir nobilis et potens Marioc-tus de Baglionibus de Perusio potestas noviter electus et assumptus civitatis pro semestri. . . .” Mariotto and Margherita di Ruggero dell’ Antignalla were married 6 March 1417. See Francesco Frascarelli, *Nobiltà minore e borghesia a Perugia nel sec. XV* (Perugia, 1974), 20 n. 1.

⁴⁰ Giovanni Ermini, “La libertà comunale nello Stato della Chiesa,” in *Scritti storico-giu-ridici*, ed. Ovidio Capitani and Enrico Menestò (Spoleto, 1997), 229–350.

by Niccolò to secure his regime were not at all unusual; they were the same as those taken by *signori* across northern and central Italy. By the mid-fourteenth century, a *podestà* was routinely appointed by a *signore*, whom he served as a sort of “principal executive assistant.”⁴¹ Niccolò’s uncle, Braccio, had promised to respect Perugia’s statutes and magistracies but reserved to himself the right to appoint the city’s *podestà* and treasurer and to convene its councils.⁴²

On 2 February the city sent a delegation to Niccolò to arrange for his entrance into Città di Castello, which eventually occurred in June. The delegation comprised the senior members of the faction (e.g., Vitelli, Magalotti, Galgani, Virili) that had undermined Guidantonio of Montefeltro’s regime.⁴³ Members of the faction who had supported Guidantonio were duly exiled. The new government ordered that all depictions of the coats of arms of “the accursed house of Guelfucci,” leaders of the exiled faction, be destroyed wherever found, including those in churches.⁴⁴ In the same vein, in order to quash threats from family alliances encompassing enemies of the new regime, it was ordained in February 1434 that no citizen might contract marriage and acquire relatives through marriage publicly or clandestinely (*matrimonium et parentelam publice vel occulte*) without Niccolò’s or his lieutenant’s express consent and authorization under penalty of five hundred florins.⁴⁵ It should be noted that the measure did not actually prohibit legally capable individuals from freely choosing a spouse, which would have constituted a punishable assault on ecclesiastical liberty and jurisdiction. The validity of marriages contracted without the regime’s prior consent was never in question. At issue was the validity of the *statutory penalty* facing Castellani citizens who contracted marriage without the required consent.⁴⁶ Following Bartolo’s teaching, civil lawyers rejected lay statutes prohibiting and penalizing marriage contracted, say, between native women and foreign men. Yet if the aims of such

⁴¹ John Larner, *The Lords of Romagna: Romagnol Society and the Origins of the Signorie* (Ithaca, 1965), 161–64. See Trevor Dean, “Commune and Despot: The Commune of Ferrara under Este Rule, 1300–1450,” in *City and Countryside in Late Medieval Italy: Essays Presented to Philip Jones*, ed. Trevor Dean and Chris Wickham (London, 1990), 192.

⁴² Falaschi, “Fortebracci,” 121.

⁴³ Muzi, *Memorie* 2:7–8.

⁴⁴ Archivio Segreto, Riformanze 43, fol. 15r (9 Feb. 1433).

⁴⁵ Ibid., fol. 31v (19 Feb. 1434).

⁴⁶ I have no information on whether this measure was enforced. On like-minded statutory penalties facing Florentines who married or established kinship ties with “aliquibus rebellibus communis Florentiae,” see *Statuta populi et communis Florentiae, anno salutis MCCCXV*, 3 vols. (Freiburg [Florence], 1778–83), 1:380–81, lib. 3, rub. 179. On the penalties awaiting Florentine men who married Pazzi women in the aftermath of the failed “Pazzi Conspiracy” of 1478, see Lauro Martines, *April Blood: Florence and the Plot against the Medici* (Oxford, 2003), 133–34.

statutes were found to serve the collective good, say, to prevent the loss of taxable property via dowries paid to foreign husbands, then the penalty might be justifiable.⁴⁷ As a narrow legal issue, the validity of Niccolò's attempt to regulate marriage alliances among the Castellani was contingent on juristic interpretation.

Around February 1433—the precise circumstances remain murky—Niccolò and Eugenius had a falling-out over the failure of the papacy to satisfy the wage demands of its captain-general.⁴⁸ Though he offers no evidence, Muzi's assertion that Eugenius declared Niccolò an enemy of the church and rescinded his military commission and other titles is credible.⁴⁹ Niccolò went on a rampage, assaulting castles and towns in Umbria and Lazio. Eugenius sent troops to capture Niccolò, but he was able to elude them. Having allied himself with Eugenius's archenemies, the Visconti of Milan and the Colonna, the relatives of his predecessor, Martin V, Niccolò besieged Rome in 1434 and occupied Tivoli. Meanwhile Eugenius concluded a treaty with Francesco Sforza, Milan's military captain, who became the pope's standard-bearer and commander of papal forces.⁵⁰ Upon Niccolò's death on 23 August 1435 in battle against Sforza's armies near Camerino, his regime in Città di Castello collapsed without a whimper.⁵¹

A few days later, on 29 August, the city returned to papal jurisdiction and obedience to the church (*ad hōbidentiam sancte matris ecclesie*).⁵² Eugenius granted the city's request to appoint its own *podestà* and fill the office with native Florentine citizens who had a long tradition of governing, *fideliter et iustissime*, in Città di Castello.⁵³ Soon after, the papally approved government, in the name of good customs and freedom of marriage, not surprisingly revoked Niccolò's marriage-restricting law. But then, in the same breath and in language similar to that employed in the law just revoked, it ordained that no

⁴⁷ Julius Kirshner, "Mulier alibi nupta," in *Consilia im späten Mittelalter: Zum historischen Aussagewert einer Quellengattung*, ed. Ingrid Baumgärtner (Sigmaringen, 1995), 164–65. See also Giovanni Rossi, ". . . partialitas in civitate est tanquam vermis in caseo . . .": Il giudizio (negativo) sulle fazioni politiche in Giovanni Nevizzano (1490–ca.1540)," in *Guelfi e ghibellini*, 86–88.

⁴⁸ Pellini, *Dell'istoria di Perugia*, part 2, 346.

⁴⁹ Muzi, *Memorie* 2:7 asserts, "il Papa sdegnato contro Niccolò lo depose dalla carica, lo dichiarò nemico della Chiesa."

⁵⁰ Peter Partner, "Florence and the Papacy in the Earlier Fifteenth Century," in *Florentine Studies: Politics and Society in Renaissance Florence*, ed. N. Rubinstein (London, 1968), 394.

⁵¹ Pellini, *Dell'istoria di Perugia*, part 2, 384–85; Fabretti, *Biografie* 1:204.

⁵² Archivio Segreto, Riformanze 43, fol. 47r.

⁵³ Augustin Theiner, *Codex diplomaticus dominii temporalis S. Sedis: Recueil de documents pour servir à l'histoire du gouvernement temporel des États du Saint-Siège, extraits des archives du Vatican* (Rome, 1861–62), 3:333–36, doc. 278 (1435).

one, without the permission of the pope or the papal governor, might contract marriage or acquire relatives through marriage with members of rebel families who had backed Niccolò.⁵⁴ It was an article of faith that the effectiveness of the pope's authority over Città di Castello and other communes in the Papal States depended to a large degree on his ability to curb marriage-based alliances that strengthened his enemies.⁵⁵

SALLUSTIO BUONGUGLIELMI'S OPINION

A copy of Sallustio's opinion is preserved in the Biblioteca Apostolica Vaticana in a fifteenth-century manuscript of miscellaneous opinions mainly produced by Umbrian and Tuscan jurists (Ottob. lat. 1726, fols. 62r–64v).⁵⁶ Unfortunately, the list of interrogatories (*thema*) the judge commissioned Sallustio to resolve and copies of Città di Castello's statutes and other relevant documents that surely accompanied the original, autographed opinion were omitted by the scribe. In lieu of the list of issues, the scribe substituted a terse and peculiar summary: "whether a *podestà* appointed by a tyranny should be paid his salary if he performed his official duties" (1). One expects to read "appointed by a tyrant," rather than "appointed by a tyranny," for the central question was whether a *podestà* directly appointed by the tyrant Niccolò Fortebracci or his lieutenant could demand the overdue part of his salary. By substituting "tyranny" for "tyrant," the scribe, wittingly or unwittingly, transformed a fact- and time-bound legal question into an abstract question.

Another peculiarity, the substitution by the scribe or the jurist of the letter "A" for the name of the *podestà*, had the same flattening effect. The full name of the *podestà* was probably Andrea di Matteo Melatini of Teramo, the last *podestà* Niccolò appointed, who assumed office in January 1435 for a six-month term at the established customary salary (*salario constituto con-*

⁵⁴ Archivio Segreto, Riformanze 43 (20 Jan. 1436), fol. 57v. A marginal note to this measure reads: "Revocatio reformationis prohibentis matrimonia et parentelas fieri." This description is technically incorrect. As I pointed out above, Niccolò's measure did not actually prohibit marriage. Note that jurists confirmed the validity of statutes requiring the prior consent of parents before a nubile woman was married to a person deemed *infamis*, a category applying to a rebel, as the honor of the family was at stake.

⁵⁵ The history of Città di Castello from 1436 onward is murky. But see Muzi, *Memorie* 2:9–25; Andrea Maori, *Oligarchie e popolo: Dallo "Statutum populi" del 1261 alla municipalità repubblicana del 1798: Compendio delle magistrature comunali di Città di Castello* (Perugia, 1996), 27–36; Egmont Lee, "Tyrannice Vivens in Civitate Castelli: Niccolò Vitelli, 1468–1474" in *Federico di Montefeltro: Lo Stato, le arti, la cultura*, ed. Giorgio Cerboni Baiardi, Giorgio Chittolini, and Piero Floriani (Rome, 1986), 213–24.

⁵⁶ All references to Sallustio's opinion refer to the line numbers in my edition below in Appendix 2.

suetō).⁵⁷ The substitution of the letters “A” and “B” or fictitious names like “Titius” and “Sempronius” for real names was a common verbal ploy when jurists sought to avoid embarrassing litigants. Embarrassment was irrelevant in this case, since the *podestà* was a public figure whose name was already well known. Complicit in Niccolò’s tyranny, the *podestà* was deemed *infamis*, of having a notorious and evil reputation that by law attached to the name of a particular person. Rather than being suppressed, the *podestà*’s full name demanded publication to the world. A final peculiarity was the omission of the invocation of divine authority with which Sallustio customarily introduced his *consilia* (*In nomine individue Trinitatis et gloriose virginis Marie, amen*),⁵⁸ which has moved one scholar to misconstrue the text as an opinion in the form of a short tract.⁵⁹

Sallustio was commissioned to write the opinion by a judge attached to the new Florentine *podestà* installed after the Holy See resumed control of Città di Castello in August 1435.⁶⁰ At the time Sallustio was residing in Florence, where he taught and practiced civil law and was an active member of the city’s Guild of Jurists and Notaries.⁶¹ Why was Sallustio, rather than a jurist

⁵⁷ Riformanze, 43, fol. 42r (10 Jan. 1435). The lack of fiscal records makes it difficult to determine Andrea’s salary, especially the amount in arrears. The city’s statutes, enacted before 1393, provided one thousand florins for the remuneration of both the *podestà* and his staff. See Archivio Segreto, vol. 11, *Statutum Populi et Communis Civitatis Castelli*, lib. 1, rub.1 (*De electione et officio domini potestatis*), fol. 6r. The remuneration was reduced under Niccolò Fortebracci’s regime to three hundred cameral florins, from which the *podestà* would receive seven florins a month: Riformanze 43, fol. 24r (7 May 1433).

⁵⁸ Sallustio’s *consilia* with this *invocatio* are preserved in Naples, Biblioteca Nazionale V.E.III ID. 64, fols. 52v, 61r, 75r, 81r, 122v, 169r. I am grateful to Vincenzo Colli for kindly alerting me to the Neapolitan manuscript. For two other *consilia* written in Sallustio’s hand, see Florence, Biblioteca Nazionale Fondo principale II, II 377, fols. 430r–434v; 440r–443r. For Salustio’s *consilia* and other works in the *Collegio di Spagna of Bologna*, see Domenico Maffei et al., *I codici del Collegio di Spagna di Bologna* (Milan, 1992), 960. For another *consilium*, on a border dispute between the communes of Chianciano and Castiglioncello, see Città di Castello, Biblioteca Comunale “G. Carducci,” fascicolo XIII, a. 6.

⁵⁹ The inclusion of “tyrannidem,” plus the omission of the *invocatio*, seems to have misled Paolo Mari, “Buonguglielmi, Sallustio,” in *Dizionario biografico degli italiani*, vol. 15 (Rome, 1972), 240—the only scholar to my knowledge who has cited Sallustio’s opinion and who considers his text a “consiglio sotto forma di trattatello.”

⁶⁰ The names of the Florentine *podestà* for 1435–40 are listed in Muzi, *Memorie* 1:216.

⁶¹ On Sallustio, see Lauro Martines, “The Career and Library of a 15th-Century Lawyer (Bartolus of Sassoferato’s Grandson),” *Annali di storia del diritto* 3–4 (1959–60): 323–32; Mari, “Buonguglielmi,” 237–41; Katharine Park, “The Readers at the Florentine Studio According to Communal Fiscal Records (1357–1380, 1413–1446),” *Rinascimento* 20 (1980): 286, 289, 291; Jonathan Davies, *Florence and Its University during the Early Renaissance* (Leiden, Boston, and Cologne, 1998), 34, 41, 108, 168. Several of his *consilia* have been discussed by Thomas Kuehn, “Vicissitudini di un patrimonio fiorentino del xv secolo,” *Quaderni storici* 88 (1995): 53–61, and *Illegitimacy in Renaissance Florence* (Ann Arbor, 2002), 100–102, 244.

from nearby Perugia or Siena, commissioned? Possibly because of his Umbrian origins and his familiarity with local institutions, and perhaps, ironically, his personal experience with tyranny, acquired when he helped negotiate Perugia's submission in 1416 to Braccio Fortebracci, whom he served as an official before his exile around 1420.⁶² More likely, I believe, the choice was a matter of the Florentine *podestà* in Città di Castello retaining a respected jurist from his hometown. Whatever the reasons, the commission of Bartolo's grandson, presumably versed in the intricacies of *De tyranno*, to address the legality of the acts of an official appointed by a paradigmatic *tyrannus ex defectu tituli* is, in retrospect, a neat turn of events.

Sallustio opened the *consilium* with the proposition that "A" and his officials had carried out the duties of the office of *podestà* of Città di Castello during his tenure, when the city was held prisoner and occupied by Niccolò Fortebracci. May he now demand from the "community of the said city" the part of his salary that he claims was not paid during Niccolò's rule (1–8)? *Communitas dicte civitatis* and its cognate *universitas dicte civitatis* refer to the city as a political organization considered independently from the tyrant and his temporary rule.⁶³ The terms also denote the city as a fictitious person, a corporate entity considered independently from individual citizens and legally responsible for the salary of its officials. In all likelihood, "A" was seeking the final installment of his salary. The salary of the *podestà* of Città di Castello was paid in several installments, the final due upon completion of his six-month tenure and *after* the incumbent and his staff were exonerated through an inquest conducted by a panel of syndics from inevitable charges of misconduct and corruption.⁶⁴ I have been unable to confirm, owing to the scarcity of public records during the tumultuous final months of Niccolò re-

⁶² Martines, "Career and Library," 326–27.

⁶³ Joseph Canning, "The Corporation in the Political Thought of the Italian Jurists of the Thirteenth and Fourteenth Centuries," *History of Political Thought* 1 (1980): 9–32.

⁶⁴ On the salary and inquest (*syndicatio*) of the *podestà*, see *Statutum populi et communis Civitatis Castelli*, lib. 1, rub.1 (*De electione et officio domini potestatis*), fol. 6r. For nearby Gubbio, see *Statutum comunis et populi civitatis, comitatus et districtus Eugubii, con le aggiunte del 1376*, ed. Antonio Menichetti (Gubbio, 2002), 8, lib. 1, rub. 3 (*De electione, officio, et iurisdictione domini potestatis civitatis Eugubii*). More broadly, on the syndication of foreign officials, see the chapter, "Der Sindikatsprozess," in Woldemar Engelmann, *Die Wiedergeburt der Rechtskultur in Italien durch die wissenschaftliche Lehre: Eine Darlegung der Entfaltung des gemeinen italienischen Rechts und seiner Justizkultur im Mittelalter unter dem Einfluss der herrschenden Lehre der Gutachtenpraxis der Rechtsgelehrten und der Verantwortung der Richter im Sindikatsprozess* (Leipzig, 1938), 514–85. On the politico-ideological context of Engelmann's book, see Susanne Lepsius, "Die mittelalterliche italienische Stadt als 'Utopie': Eine Untersuchung am Beispiel von Hermann U. Kantorowicz, Georg Dahm und Woldemar Engelmann," in *Stadt-Gemeinde-Genossenschaft. Festschrift für Gerhard Dilcher zum 70. Geburstag*, ed. Albrechts Cordes et al. (Berlin, 2003), 389–455.

gime, if the inquest took place. If there was an inquest after the fall of Niccolò's regime, it is safe to assume that "A" would have been charged by the regime's opponents, currently in power, with misconduct and denied the final installment of his salary.

Sallustio organized his solution around three questions. First, could "A" claim the salary on the grounds that he was legitimately appointed *podestà*? Sallustio began by declaring that Niccolò Fortebracci was a manifest tyrant *ex defectu tituli*, whose feral rule was thoroughly wicked. Disobeying Pope Eugenius IV, he invaded a city belonging to the Holy See, occupied it by force and violence, and oppressed its inhabitants and citizens (21–27). Since the *podestà* was appointed by a tyrant or his lieutenant, without the lawful consent and authorization of the community, jurisdiction to try civil and criminal cases was not transferred to his office. Consequently, the acts performed by the *podestà* and the officials deputized by him were null and void. For these reasons, the *podestà* cannot claim his salary (27–48). In support, Sallustio cited *De tyranno*, but remarked that Bartolo's doctrine on tyranny is so well known that there is no need to dwell on it even for a moment (27–29). The other authoritative source for Sallustio's argument was Baldo degli Ubaldi's commentary on *Decernimus*, which held that legal proceedings under a tyrant are valid insofar as the presiding legal official has jurisdiction from the people. Conversely, the acts performed by a presiding legal official without jurisdiction, as well as the legal proceedings subject to the pressures of a tyrant—which apply to the acts performed by "A"—are invalid.⁶⁵

Second, an argument was mounted on behalf of "A" that the community and men of Città di Castello knowingly and willingly treated him as if he were the lawful *podestà*. The duties performed by "A" as *podestà* are said to be like those performed by an agent under the contract of *mandatum* serving the interests of his principal, the community of Città di Castello (49–54). Among the allegations supporting the analogy was Ulpian's opinion in *lex Qui patitur ab alio* (D. 17.1.8), which stated that someone (here, the citizenry of Città di Castello) is considered to have knowingly, albeit silently, authorized a mandate by virtue of allowing another (here, the *podestà*) to be commissioned to lend to him by a third party (here, Niccolò Fortebracci). Overall, it is alleged that the office of *podestà* under "A" continued to function as it ordinarily had without the presence of a tyrant. Meanwhile, the majority of the populace raised no overt objections to his appointment, complied with his directives, appeared before him in court, and accepted his rulings as valid. These events indicate that the populace's acceptance of the *podestà*'s appoint-

⁶⁵ Quaglioni, "Un tractatus de tyranno," 81, q. 4.

ment and administration was not based on simple acquiescence (*simplex patientia*) but on validating consent (59).

This argument, Sallustio responded, fails to contradict the indisputable evidence “that Città di Castello was ruled by a *podestà* appointed by a tyrant without the consent of the community in violation of the city’s statutes” (72–74); or its corollary that the persons and patrimonies of the citizenry were necessarily placed in jeopardy, because in a time of tyranny all things and deeds flow from the tyrant’s will (*voluntas*), for his will replaces the higher norm of reason immanent in natural and civil law (*succedit pro ratione voluntas*, 76) to which the ruler’s conduct must conform.⁶⁶ It is true that Niccolò did not abrogate Città di Castello’s statutes, but such drastic action was unnecessary. Like other tyrants, he simply issued decrees and had laws enacted by the city’s councils aimed at solidifying his power. In these circumstances, interior passive compliance and outward acquiescence did not create consent but served to mask “the inner and true dissent” of the majority of the populace, who had not wanted to withdraw from the governance of the church and rule of its officials (77–80).⁶⁷ The claim that the populace had willingly accepted the *podestà* and his administration as business as usual ignored the menacing reality of Niccolò’s regime. Fearing death and torture at the hands of the tyrant and his officials and fearing the tyrant’s laws and statutes, it is understandable why no one in Città di Castello at the time publicly protested the unlawful election of the *podestà* or refused to appear in the court of the *podestà* when summoned. It is an inversion of reason and law to interpret the people’s silence and their inability to resist a tyrant and his armed supporters as an endorsement of his regime (80–103).⁶⁸

Curiously, Sallustio did not cite Bartolo’s pertinent commentary to *lex Si quas actiones* (C. 34.3.1), which dealt with the case of a tyrant who occupies and holds a city in possession for a long time, during which those who had ju-

⁶⁶ On the conflicting meanings of the protean expression “pro ratione voluntas,” borrowed from Juvenal’s *Satires* (6.223), see Gaines Post, “Vincentinus Hispanus, ‘Pro ratione voluntas,’ and Medieval and Early Modern Theories of Sovereignty,” *Traditio* 28 (1972): 159–84. It was cliché among late medieval jurists that the ruler’s will has the force of law insofar as it is regulated by reason. See Walter Ullmann, *The Medieval of Law as Represented by Luca de Penna. A Study in Fourteenth-Century Scholarship* (London, 1946), 54–55; Joseph Canning, *The Political Thought of Baldus de Ubaldis* (Cambridge, 1987), 77–79. See also the discussion of Ptolomey of Lucca’s views on this theme by Charles Davis, *Dante’s Italy and Other Essays* (Philadelphia, 1984), 227–32.

⁶⁷ I take the expression “saltem quoad maiorem populi” as a reference to the numerical majority of the populace, rather than to its topmost members, since the *populus* of the city by tradition was *pro ecclesia*, while Niccolò’s occupation of the city was supported by one faction.

⁶⁸ For identical reasoning, see Zabarella ad c. *Si quis suadente* (Clem. 5.8.1), q. 4, v. *Terra*, 187v.

risdiction over the city fail to assert their own prior rights. Does the tyrant thereby acquire a so-called prescriptive right or title to enjoy jurisdiction over the city (*ius prescribende illius iurisdictionis*)? The analogy is to someone who acquires prescriptive title by legal means (*iusta causa*) to real property over which he has continuous and uncontested possession for a long period—thirty years in civil law. So long as the tyrant holds possession of the city through force or stealth, Bartolo determined, he does not acquire jurisdiction.⁶⁹ Bartolo's opinion was affirmed by his successors, including Baldo, who unhesitatingly observed that a tyrannical government's duration cannot be counted toward prescription.⁷⁰

Third, it is argued that the *podestà* functioned as a lawful unauthorized administrator (*negotiorum gestor*), who *in effect* carried out the wishes of the community lawfully (104–7). Under *lex Quae utiliter* (D. 3.5.44 [45]) he may demand compensation for his just and beneficial administration of the civil and criminal proceedings that were vital to the city's welfare. At first glance, the validity of this argument seems compelling: “nam aliter ipsa civitas beate vivere non poterat” (108). The contrary is true, however, because even the ordinary acts of the *podestà* and his judges were null and void. No matter what benefits are said to have accrued to the community from these acts, the *podestà*, by acting as an unauthorized administrator against the wishes of community, committed a crime for which he cannot demand compensation. Worse, he committed a crime in disobeying the wishes of “our pope,” Eugenius IV, resulting in severe damage to the “status sancte matris ecclesie” (128–29). Any suggestion that the *podestà* was unaware that he was acting against the wishes of the community strains credulity. It is more conceivable that he believed and knew that the people of Città di Castello were placed unwillingly under a tyrannical regime (137–39).

At this juncture, Sallustio included an argument that seemed to him irrefutable. Leaving aside the above objections to the former *podestà*'s claim, and even assuming for sake of argument that Niccolò could have appointed the *podestà*,

⁶⁹ This prescriptive right is denied under *lex Si quas actiones*, if possession is acquired *vi et clam*. See Bartolus ad *lex Si quas actiones* (C. 34.3.1), 7:126, n. 8. For Bartolo's teachings on prescription, see Yushi Sasaki, “*Praescriptio* in der Lehre des Bartolus,” in *Miscellanea Domenico Maffei dicata: historia, ius, studium*, ed. Antonio García y García and Peter Weimar, 4 vols. (Goldbach, 1995), 2:329–64. For a sociolegal analysis, see Thomas Kuehn, “Conflicting Conceptions of Property in Quattrocento Florence: A Dispute over Ownership in 1425–26,” *Quaderni fiorentini per la storia del pensiero giuridico moderno* 14 (1985): 303–73, who illustrates the significance of prescription as a mode of acquiring property in fifteenth-century Florence.

⁷⁰ Quaglioni, “*Un tractatus de tyranno*,” 80, q. 3.

it is neither credible nor true that he wished to annul the statutes and customs of the city regarding the person of the *podestà*, and this can be proven in various ways, but it suffices for now to allege for the sake of brevity the notable opinion of Baldo to *lex Venditionem* [C. 4.46.1], where he states that when a lord instructs his official operating in the city that whatever he orders by vague words [*per amplissima verba*], for example, saying “do as you wish in a way that seems expedient to you,” it is nevertheless understood with the reservation “save in accordance with the statutes and customs of the city,” and in no way can it be understood that the lord wished to derogate from them” (142–51).⁷¹

Now it is indisputable that “A” left the city on numerous occasions, in contravention of the city’s statutes, still in force during Niccolò’s regime, which prescribed that the *podestà* shall immediately be deprived of his office if he is absent from the city for even one night. It does not matter at all whether the *podestà* believed he was acting with Niccolò’s implied approval when he left the city, for he was required without exception to administer his office and conduct himself in conformity with the city’s still operative statutes. Accordingly, the city can refuse to pay the *podestà* for all the days *after* he is said to have forfeited his office (152–57).

In conclusion, the *podestà* has only himself to blame for failing to collect the remainder of his salary, which was payable from the city’s ordinary revenues during his official tenure, when he had the favor and protection of the tyrant (158–64). For all the above reasons, the city is under no obligation to pay the *podestà* the remainder of his salary. “To me,” Sallustio admonished, “this solution seems not only just and consistent with good customs, but should dispel any doubt that one should not accept an office from a tyrant and an enemy of Holy Mother Church” (161–64). Bartolo would have applauded Sallustio’s full-throated admonition, which echoed and extended his grandfather’s assault on the wages of tyranny. Neither Bartolo nor Sallustio were starry-eyed dreamers, however. Each was immersed in the concrete socio-political realities that made it an uphill battle to discourage mercenary office seekers from accepting comparatively high-salaried positions in regimes that were manifestly tyrannical or bordering on tyranny.⁷² The line of professional

⁷¹ Sallustio’s citation of Baldo is a loose rendition, rather than a direct quote, of his commentary to *lex Venditionem* (C. 4.46.1), *In [Corpus Iuris Civilis] commentaria*, 10 vols. (Venice, 1586), 7:17v, nn. 13–14, where he referred to the tyrannical statutes of some popular regime (*statuti tyrannici alicuius populi*); and Claudio Fiocchi, “*Mala potestas.*” *La tirannia nel pensiero politico medioevale* (Bergamo, 2004).

⁷² On criticism of mercenary *podestà* by their contemporaries, see John Hine Mundy, “In Praise of Italy: The Italian Republics,” *Speculum* 64 (1989): 829–30.

candidates aspiring to podestàships, whatever the regime's political coloration, was in practice endless.⁷³

Bartolo's *De tyranno*, as Sallustio's opinion reveals, offered an authoritative and valuable arsenal of arguments wielded by fifteenth-century consultors asked to adjudicate disputes arising directly from the rule of a tyrant. By the fifteenth century, Bartolo's tract had become a mainstay in the Western tradition placing tyranny beyond the bounds of legitimate rule and the rule of law—a vibrant tradition that began with Plato and Aristotle and includes Cicero, Tacitus, Seneca, John of Salisbury, and Aquinas.⁷⁴ *De tyranno*'s special contribution to this tradition was to establish standards of legal proof, first, to determine whether a ruler was a tyrant; second, to determine whether the acts performed by a tyrant, or his officials during his tyranny, are binding; and third, to determine whether and under what conditions a tyrant may be deposed. The bundle of challengingly complex legal and ethical questions with which Bartolo wrestled are still with us. The solutions crafted by contemporary lawyers and judges in the aftermath of despotic rule concerning the punishment of criminal offenses, claims to property, public positions, and pensions, and the validity of state contracts and acts by state agencies, especially in continental Europe, continue to be nourished by a jurisprudence deeply rooted in the soil of the *ius commune*.

⁷³ Philip Jones, *The Italian City-State: From Commune to Signoria* (Oxford, 1997), 648–49.

⁷⁴ On this tradition, see Turchetti's comprehensive *Tyrannie et tyrannicide*.

APPENDIX 1

Bartolus ad *lex Praeses provinciae*, § *Divus Severus* (D. 50.13.1.13)

My intention is not to produce a critical edition of this passage but to use two easily available manuscript copies to correct deficiencies in the printed edition. The manuscripts are described in Stephan Kuttner and Reinhard Elze, *A Catalogue of Canon and Roman Law Manuscripts in the Vatican Library*, 2 vols. (Vatican City, 1987), 2:162–65. Capitalization and punctuation reflect modern practice.

A = Vatican City, Biblioteca Apostolica Vaticana Vat. lat. 2601, fol. 341v (s. xv)

B = Vatican City, Biblioteca Apostolica Vaticana Vat. lat. 2604, fol. 295v (s. xv)

Ed. = Bartolus de Saxoferrato, *Commentaria*, 9 vols. (Venice 1526; rpt. Rome, 1998), 6:262r–v, n. 15

Sed iuxta hoc quero: aliquis est electus potestas huius civitatis; post acceptationem officii antequam vadat, civitas mutat statum et ibi insurgit quidam tyrannus vel aliqua secta, ita quod exercitium iustitie non remanet liberum potestati, an beat habere salarium. Respondeo: sic totum integrum. Videtur enim stare per ipsam civitatem vel per casum fortuitum in ipsa civitate contingentem, ut supra dictum est. Iuste enim timet qui non vult accedere sub ipso tyranno, ut supra, ex qui. casu in pos. ea., l. Fulcinus, § Quid sit latitare (D. 42.4.7.4). Item secundum mores nostre civitatis turpe et verecundum est accedere ad illum locum ubi quis non possit iustitiam libere exercere. Ideo videtur non posse accedere cum honeste non possit, ut l. Filius, supra, de condi. institi. (D. 28.7.15), et l. Conditiones, eodem titulo (D. 28.7.14). Et eadem ratione dico quod, si durante officio insurgit tyrannus in civitate vel aliqua secta vel aliquid fit ex quo rector non potest remanere sine verecundia, quia potest reverti, debet habere totum salarium. Et ita fuit observatum Bononie in persona domini Jacopi de Gabrielibus quando venit legatus. Et idem etiam fuit observatum Pisis. Istud autem, an possit remanere sine verecundia vel non, debet intelligi secundum mores civitatis nostre, ut l. Item apud Labeonem, § Convicium, supra, de iniur. (D. 47.10.15.7?). Unde illud quod reputaretur verecundum apud bonos et graves homines illud deberet teneri. Iusta enim causa est omittere aliquid facere propter suam verecundiam, ut l. Quintus, supra, manda. (D. 17.1.48).

1 hoc] predicta *A* 1–2 acceptationem officii] acceptatum officium *A* : acceptum beneficium *Ed.* 2 civitas *om. A* insurgit] et surgit *A* quidam *om. A* *Ed.* 3 iustitie *om. A* 4 totum *om. A* *Ed.* ipsam *om. A* vel *om. A* 5 in . . . contingentem] contingentem in ipsa civitate *A* ut . . . est *om. A* 6 ipso *om. AB* 7–8 et verecundum *om. A* 8 illum *om. AB* libere exercere] exercere vel libere celebrare *A* 9 cum . . . possit] cum non possit de iure *A* 10 et . . . titulo] eodem titulo, l. Conditiones *A* ratione *om. A* 11 quod *om. AB* si . . . secta] si surgit durante officio tyrannus vel pars vel septa *A* 12 ex quo] quod *A* rector] recto *Ed.* remanere] manere *A* reverti] et add. *ABEd.* 14 etiam fuit observatum *om. A* 14–15 Istud . . . possit] Istud an possit *Ed.* : Istud cum non possit *A* 16 Labeonem *om. BEd.* Convicium] vicinum *A* : convictum *Ed.* 17 homines *om. A* illud . . . teneri] dicitur debere teneri *A* 18 Iusta] Iuxta *A* omittere] obmictere *AB* propter . . . verecundiam] cum sua verecundia *A*

APPENDIX 2

Consilium of Sallustio Buonguglielmi

The edition is based on a single manuscript—as far as I know the only extant copy of the *consilium*—preserved in Vatican City, Biblioteca Apostolica Vaticana Ottob. lat. 1726, fols. 62r–64v (s. xv). A partial description of the manuscript is found in Gero Dolezalek, *Verzeichnis der Handschriften zum römischen Recht bis 1600*, 4 vols. (Frankfurt am Main, 1972), 2. For the sake of readability, capitalization and punctuation divisions follow modern practice. Angle brackets (⟨⟩) are used to indicate my additions to the text. I have also maintained the orthography found in the manuscript, which is inconsistent: “ettiam,” “negotium,” “offitiales,” “tyrampnus,” and the like. In preparing the edition I have sought to follow the recommendations on editorial practice presented by Stephan Kuttner, “Notes on the Presentation of Text and Apparatus in Editing the Works of Decretists and Decretalists,” *Traditio* 15 (1959): 452–64. Where the organization of the vulgate text of the *Corpus iuris civilis* differed from that of the modern critical edition, I have included the medieval numbering in brackets after the relevant element of the modern citation.

An potestas electus per tiranidem debeat habere salarium si officium exercuit.

Viso themate supra descripto et habita diligenti consideratione super parte suppositis suis, ut conclusive et sub verbo compendio ad rem veniam, scilicet: an A. quem presupponitur exercuisse officium potestarie Civitatis Castelli per se et offitiales suos pro semestri tempore quo civitas illa fuerat per tyrannidem detenta et occupata a Nicolao della Stella sive de Fortebracchiis, hodie possit petere a communitate dicte civitatis partem salarii, quam asserit se debere recipere, cum tempore regiminis ipsius Nicolai non fuerit integraliter solutum.

Arbitror super tribus discutiendum fore. Et primo, an ipse A. dictum salarium petere possit tanquam fuerit legitimus et verus potestas dicte civitatis et in consequenti sibi ut potestati salariū debeatur. Secundo, an posito quod non fuisse legitimus nec verus potestas, an saltem ex eo quia universitas dicte civitatis passa fuit ipsum dictum officium excercere tanquam potestatem, quamvis electum a tyramno et non secundum formam statutorum dicte civitatis, ex hoc capite salariū petere possit, quod ex post facto electionem ipsius dicatur approbasse et ratificasse. Tertio, an posito quod per talem patientiam non sit inducta legitima ratihabitio, an saltem ex eo quod dictus A. exercuit officium potestarie in civilibus et alia fecit que ad naturam offitii pertineba(n)t, possit petere salariū, quasi sic circa officium militando utiliter dicatur gessisse negotia civitatis et per consequens sibi per communitatem detur actio negotiorum gestorum.

Revertor ad primum et unum premictō ut verissimum et notorium, videlicet ipsum Nicolaum tempore sui regiminis in civitate Castelli fuisse manifestum tyramnum, quia fuit invasor dicte civitatis ad sanctam Romanam ecclesiam pertinentis contra domini nostri pape Eugenii voluntatem; et ipsam per vim et violentiam detinuit et occupavit existens etiam rebellis ecclesie; et per consequens eius dominium fuit omnino

iniustum, et sic tyrampus, quia per fortiam et angustiam civium, damnatus fuit manife-
 30 stae. Et sic vendicaverunt sibi locum aperte omnia ea que describit Bar. in tractatu
 De tyrampno circa primum dubium.¹ Describit quis dicatur esse manifestus tyram-
 nus super quo tanquam notorio non arbitror ulterius esse insistendum. Sed restat in-
 quirere an dictus A. ab eodem Nicolao vel ipsius locumtenente electus fuerit potestas,
 adeo quod habuerit iurisdictionem cognoscendi in civilibus et criminalibus et alia fa-
 ciendi que ad ipsum officium pertinent. Et non insistendo, dicendum est quod non, ut
 est textus in l. Decernimus, de sacrosan. ecclesiis (C. 1.2.16), ibi dum dicit: "evacua-
 35 tis funditus" etcetera, et in c. i. De scismatic. (X 5.8.1), et viii., q. (1), c. ordinationes
 (C. 9 q.1 c.5), et firmat expresse Bar. in dicto tractatu in vii questione,² dicens quod
 tyrampus qui eligit officialem absque consensu et licentia communitatis in eum nul-
 lam iurisdictionem tra(n)sfert, et subdit expresse quod omnia gesta per ipsum vel per
 officiales subalternos deputatos ab ipso electo funditus nichil valent. Ymmo satis ibi
 40 dubitat Bar. an valeant gesta tempore tyrampi ab officiis, si ipsa civitas met illos
 elegit propter naturalem rationem, quia nullus actus fit in civitate tempore tyrampi
 libere, et per consequens omnia videntur gesta ab ipso tyrampno. Sed hoc inquirere in
 casu nostro non expedit, quia dictus A., secundum ea que proponuntur, non fuit elec-
 45 tus a communitate; et per consequens sumus in primo membro, in quo indubitate ex-
 cluditur secundum Bar. et Bal. in dicta l. Decernimus et alios doctores³ quod nulla
 iurisdictio tra(n)sfertur in sic electum, et per consequens nec ipse fuit potestas nec
 officiales deputati ab eo fuerunt officiales, et omnia per eos gesta funditus fuerunt
 nulla. Et per consequens concluditur dictum A. ex primo capite tanquam fuerit potes-
 50 tas Civitatis Castelli salarium de iure petere non posse, ut ex predictis appareret.

Descendo ad secundum dubium: super quo videtur dicendum quod cum communi-
 50 tas dicte civitatis et homines ipsius fuerint patientes et concii dictum A. ut potestatem
 exercere officium, et eidem obtemperaverint tanquam potestati et coram eo fuerint
 in iudicio tanquam coram potestate, quod talis patientia induxit mandatum et sic
 tacitam electionem, et sic sciens aliquem actum gerere nomine suo, eo ipso videtur
 dedisse tacitum mandatum ad id agendum, ut l. i. §. Ceterum, ff. de exercito.
 55 (D. 14.1.1.5), et C. ad Mace., l. Si filius (C. 4.28.1), et bene facit quod notat Innoc. in
 c. Ex parte decani, de rescriptis (X 1.3.33),⁴ et Cy. in autentica, Qua in provintia,

28 describit corr. ex scribit MS 37 ipsum] p add. et del. MS

¹ *De tyranno*, q.1 (ed. Quaglioni, *Politica e diritto*, 176–77).

² Ibid., q. 7 (ed. Quaglioni, *Politica e diritto*, 188).

³ Bartolus ad l. *Decernimus* (C. 1.2.16), *Commentaria*, 9 vols. (Venice, 1526; rpt. 1998), 7:15r; Baldus ad loc., ed. Diego Quaglioni, "Un tractatus de tyranno: Il commento di Baldo degli Ubaldi (1327?–1400)," *Il pensiero politico* 13 (1980): 81, q. 4.; Albericus de Rosate ad loc., *Commentarii in primam Codicis partem* (Venice, 1586; rpt. Bologna, 1979), fol. 19v, n. 3.

⁴ Innocentius IV ad c. *Ex parte* (X 1.3.33), *Apparatus super quinque libris decretalium* (Frankfurt am Main, 1570), fols. 25vb–26rb.

C. ubi de crimini. agi oportet (C. 3.15.2.=N.99.1),⁵ et quod habetur in l. Qui patitur, ff. mandati (D. 17.1.18), quod maxime videtur verum in casu isto in quo non fuit simplex patientia sed intervenit etiam factum.

Sed tamen his non obstantibus, ut utar verbis iurisconsulti in l. Solvendo, ff. de neg. ge. (D. 3.5.38[39]), tam civilis quam naturalis ratio persuasit. Est enim pacis civilis ratio quod patientia non inducit consensum in preiuditium tacentis, sive sit preiuditium naturale sive personale, quando est talis actus quem ille qui tacet prohibere non potest, ut l. Gaius, ff. de pignorati. (D. 13.7.39), l. Titia, §. Lutia, de le. ii^o (D. 31.[1].34.2), et l. Sepe, de re iudi. (D. 42.1.63); et sic firmat expresse Bar. in sua distinctione in l. Que dotis, ff. solu. matri. (D. 24.3.33).⁶ Et predicta habent locum quando patientia adhibetur super actu uniformiter facto, puta super uno contractu vel aliter. Si autem adhiberetur patientia super actu difformi, sicut videtur esse in casu nostro, quia ipsum officium exercere vertitur circa plura, et tunc si tractatur de magno preiuditio, tacens non videtur consentire sed dissentire, ut l. penultima, ff. de fur. (D. 47.2.92 [91]), et notatur in l. ii, ff., de acq. poss. (D. 41.2.52), et notat Bar. formaliter in dicta l. Que dotis. Unde ad propositum: quod Civitas Castelli recta fuerit per potestatem electum a tyrampno et absque consensu communitatis et sic contra formam statutorum dicte civitatis. Et insuper poterat etiam verti preiuditium circa patrimonium et personas, quia tempore tyramnidis omnia sunt ad voluntatem ipsius et succedit pro ratione voluntas.

Restat clara conclusio quod patientia non induxit consensum sed potius intrinsecum et verum dissensum, saltem quoad maiorem partem populi, quem non est verisimile voluisse recedere a gubernatione ecclesie et regimine officialium ipsius, nisi per vim et metum ipsius tyrampni et eius officialium. Nec relevat si dicatur, ut predixi, quod hic non fuit simplex patientia, sed intervinerunt facta hinc inde in obtemperando et litigando etcetera. Nam respondetur quod omnia illa presumuntur et facta per metum ipsius officialis fuisse argumento notabili in l. i, §. Que honorande, ff. quarum rerum actio non datur (D. 44.5.1.5), et ponit expresse Bar. illam legem allegando in dicto tractatu de tyranno,⁷ in l. Prohibere, §. 2, ff. quod vi aut clam (D. 43.24.3.2).⁸ Ille nanque metus et violentia qui fuerunt a principio tempore quo tirannus invasit civitatem semper presumuntur subesse donec ipse tyrampus habuit regimen et donec sui officiales erant in civitate, ut probat textus notabilis in *l. Liberationis* (D. 50.16.47), et Licet (D. 50.16.58), Neque enim, §. i., de verb. signi. (D. 29.1.13.1), in l. v., de acq. re. do. (D. 41.1.5), et in c. Accedens, de procur. (X 1.38.10), et in l. Novissime, § i., quod fal. tu. (D. 27.6.7.1.), cum ibi notatis, et optime facit quod pulcre notat Cy. in l.

91 quod fal. tu.] de excu. tu. MS

⁵ Cynus ad *l. Qua in provincia* (C. 3.15.2 = N.99.1), *In Codicem commentaria*, 2 vols. (Frankfurt am Main, 1578; rpt. Turin, 1964), 1:149, n. 15.

⁶ Bartolus ad *l. Que dotis* (D. 24.3.33), 3:26v, nn. 23–24.

⁷ *De tyranno*, q. 4 (ed. Quaglioni, *Politica e diritto*, 184).

⁸ Bartolus ad *l. Prohibere* (D. 43.24.3.2), 5:168v, n. 3.

ii., C. que me. ca. (C. 2.19[20].2),⁹ et Bar. in l. Si ob turpem, ff. de condi. ob turpem causam (D. 12.5.8),¹⁰ et l. Interpositas, C. de transactio. (C. 2.14.13), et facit etiam quod pulchre notat Bal. in l. Si quis in hoc genus, de epi. et cler. (C. 1.3.10)¹¹ et est bonus textus in l. Si mulier, C. ad Velleya. (C. 4.29.16).

Et predicta etiam patent vera naturali ratione. Nam nullus qui aciem mentis sue recte componat hoc inficiari poterit quod, stante dicta tyrampnide, nemo fuisset in Civitate Castelli qui absque metu mortis vel corporis cruciatus fuisset ausus dicere dictum A. non fuisse potestatem et sic non au(c)tari ad comparendum coram eo. Est enim iustus metus, nedum metus ipsius tyrampni sed etiam ipsius officialis, ymmo etiam statuti et legis ab eo editi, ut notat Bal. in l. i., circa finem, de condi. obtur. causam (C. 4.7.1),¹² et per consequens non est tractandum hic de aliqua patientia vel ratihabitione, nam omnia dicuntur adfuisse per metum.

Restat ego venire ad tertium quesitum, videlicet an dictus A. actione negotiorum gestorum possit petere dictum salarium. Super quo prima facie videtur dicendum quod ita nam exercendo officium potestarie dicitur utiliter gexisse negotia communis Castelli, cuius utilitas versabatur in habendo aliquem iustitiam ministrantem in civilibus et criminalibus, nam aliter ipsa civitas beate vivere non poterat, ut in simili dicit tex. in l. finali, de nundinis (D. 50.11.2). Et per consequens videtur salarium posse peti per actionem negotiorum gestorum, ut l. Que utiliter, ff. de neg. ge. (D. 3.5.44 [45]), et in toto titulo ff. (D. 3.5) et C. (C. 2.18[19]); et in propriis terminis hoc videtur probari in l. Titio cum esset, ff. ad municipal. (D. 50.1.36), ubi casus, quod qui exercet officium alteri incumbens potest petere salarium debitum illi cui incumbebat si gexisset. Sed tamen in contrarium se habet veritas dupli consideratione.

Prima est, nam non est dici posse dictum A. utiliter gexisse negotia communis Castelli, quod probatur evidenti ratione. Nam, cum sententie et omnia alia quecunque amministravit ipso iure et funditus fuerunt nulla, ut supra plene deductum et probatum est circa primum quesitum, sequitur clare quod non utiliter sed inutiliter omnia gesta sint: ymmo fuit homines ponere in sumptibus et litigiis absque effectu.

Secunda ratio probatur ex notatis in l. Ex duobus et l. Solvendo, ff. de neg. ge. (D. 3.5.26 [27]; 38 [39]), et in l. Si pro te., ff. mandati. (D. 17.1.40), et l. Stic(h)um, § fi., coniuncta glo., de novat. (D. 46.2.8.5).¹³ In quibus probatur, coniunctis notatis per doctores, quod agens negotia aliena contra voluntatem domini, quamvis utiliter, non repetit, ut maxime probat textus in dicta l. Si pro te. Et precise est verissimum quando

92 que] quod MS 103 adfuisse corr. ex affuisse MS 123 negotia] negotitia MS

⁹ Cynus ad l. *Cum te non solum* (C. 2.19[20].2), 1:90rv, n. 2.

¹⁰ Bartolus ad l. *Si ob turpem* (D. 12.5.8), 2:43v, n. 5.

¹¹ Baldus ad l. *Si quis in hoc genus* (C. 1.3.10), *In [Corpus Iuris Civilis] commentaria*, 10 vols. (Venice, 1586), 6:38rb.

¹² Baldus ad l. *Si ex cautione tua* (C. 4.7.1), 7:17v, nn. 13–14.

¹³ Glossa *ex voluntate ad l. Si Stichum, § Si ab alio promisam* (D. 46.2.8.5), *Pandectarum seu Digestorum Iuris Civilis... tomus tertius* (Venice, 1591), 758.

125 gerens gerendo delinquit, secundum Guil. de Cunio et omnes, ut refert Bar. in dicta
(l.) *Solvendo*.¹⁴

Unde ad propositum inferendo: cum dictus A. officium exercendo continuo deliquerit, quia contra voluntatem domini nostri pape faciebat et in grave dampnum et preiuditium status sancte matris ecclesie, sequitur quod sic delinquendo, dici non potest utiliter gexisse. Preterea, ut plene tactum est supra circa secundum quesitum, universitas Castelli in vero debet dici fuisse dissentiens et contradicens dicte administrationi, nisi quia propter metum tacebat et non audebat contradicere. Ergo sequitur quod etiam si negotium utiliter gestum fuisset, non habet locum actio negotiorum gestorum, ut dicta l. Si pro te, et l. finali, C. de neg. ge. (C. 2.18 [19].24]), cum aliis superius allegatis. Que, quamvis loquantur in prohibitione expressa, tamen idem dicendum est in tacita, ut l. Cum quid, Si cer. pe. (D. 12.1.3), presertim ubi tale tacitum, quoad verba, quantum ad ipsum A., debebat verisimiliter haberi pro expresso nam verisimile est eum credere et scire populum ipsius civitatis invitum esse sub regimine tirampni et ipsius partialium non audebat nam quilibet presumitur scire leges, maxime quando sunt naturali ratione suffulte, ut l. Leges, C. de legibus (C. 1.14.9).

Ultimo ultra predicta secundum ea que proponuntur contra ipsum A. colligitur una ratio satis meo videre inconvincibilis. Nam quamvis absque preiuditio omnia supradicta cessarent, et posito quod dictus Nicolaus potuisset facere potestatem, tamen non est credendum nec verisimile quod voluerit tollere statuta et consuetudines civitatis que respiciunt personam potestatis. Et multiplicitate posset probari sed suffici at pro nunc allegare causa brevitas notabile dictum Baldi in l. i., C. Si propter pub. pensi. (C. 4.46.1),¹⁵ ubi dicit quod quando dominus aliquid mandat suo offitiali fiendo in civitate, quod quantumcunque concedat mandatum per amplissima verba dicendo, “facias sic, eo modo et forma prout tibi videbitur expedire,” tamen semper intelligitur reservatum, “salvis tamen statutis et consuetudinibus civitatis,” quibus nullo modo intelligitur ipse dominus derogari voluisse, et allegat glo. no. in l. Quoniam Augerio, C. de conve. fisci, deb., lib. X.^o (C. 10.2.3). Nunc ad propositum. Cum presupponatur esse statutum in Civitate Castelli quod potestas non possit se absentare per unam noctem extra civitatem, et si contrafecerit, ipso iure intelligatur esse cassus de officio. Presupponatur dictum A. contra formam statutorum se pluries absentasse: ergo sequitur quod tali tempore citra intelligitur incontinenti fuisse cassus, et sic ab illa die citra pro rata illius temporis salarium petere nequit.

Postremo etiam cum dicatur in themate consuetum fore in Civitate Castelli persolvatur potestati de introytibus ordinariis sui temporis, imputet sibi ipse A., si non dedit operam cum ipso tyranno, a quo habuit electionem, quod sibi de dictis introytibus solveretur. Et hec sententia michi videtur nedum iusta sed etiam bonis moribus consentanea, ut tollatur materia quod homines nolunt officia procurare a tyrampnis et inimicis sancte matris ecclesie, dando postmodum in officiis ipsius tyrampnis omnem auxilium et favorem.

¹⁴ Bartolus ad *l. Solvendo* (D. 3.5.38[39]), 1:128r, n. 2.

¹⁵ Baldus ad *l. Venditionem ob* (C. 4.46.1), 7:118v, n. 7.

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Et per consequens ex omnibus predictis concludo dictum A. residuum sui salarii, quod asserit se restare habere occasione dicti officii, hodie petere non posse a communitate Castelli, cuius civitatis ecclesia recuperavit possessionem et amministracionem post mortem dicti Nicolai. Laus Deo. Salustius domini Guillelmi de Perusio. Et ita dico et consulo, ego Salustius domini Guillelmi de Perusio.

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“TO CORECTE IN ANY PART OR ALLE”:
SOME PROBLEMS IN THE TRANSMISSION OF THE
MIDDLE ENGLISH *LA BELLE DAME SANS MERCY*

Ashby Kinch

THE curious path followed by Richard Roos's Middle English translation of Alain Chartier's *La Belle Dame sans Mercy* (henceforth, *LBDHM*) provides an exemplary instance of the perils of Middle English authorship. The text is a Middle English rendering of perhaps the most influential fifteenth-century French text:¹ Chartier's poem spawned a vigorous poetic debate and dozens of poetic rejoinders and defenses that focus on the question of the cruelty of La Belle Dame, whose withering rhetorical attacks on a hapless courtly lover have entertained, baffled, enraged, and intrigued readers for centuries.² Though Roos's own translation has been both praised and blamed for its style by modern critics,³ it has for the most part been simply ignored.⁴

¹ See Daniel Poirion, *Le Poète et le Prince* (Paris, 1965), 255, who claims that Chartier is the most influential French poet of the fifteenth century; and William Calin, *The French Tradition and the Literature of Medieval England* (Toronto, 1994), who writes that it is “the most important single poem of its century in terms of literary history, and one of the finest in aesthetic terms as well” (250).

² The criticism on Chartier's *LBDHM* is too numerous to cite effectively here, but on the dialogic quality of the response texts, see Emma Cayley, “Collaborative Communities: The Manuscript Context of Alain Chartier's *Belle Dame sans mercy*,” *Medium Aevum* 71 (2002): 226–40, whose book on the dialogue surrounding Chartier's poem, *Debate and Dialogue: Alain Chartier in his Cultural Context* is forthcoming from Oxford. For a new edition and translation of the “quarrel” texts, see *Alain Chartier: The Quarrel of the Belle dame sans mercy*, ed. and trans. Joan E. McRae (New York and London, 2004).

³ Both Walter W. Skeat, *Chaucerian and Other Pieces: The Complete Works of Geoffrey Chaucer*, vol. 7 (London, 1897), lii–liii, and C.S. Lewis, *The Allegory of Love: A Study in Medieval Tradition* (Oxford, 1936), 245–47, praise the translation. Less enthusiastically, Derek Pearsall, *Old English and Middle English Poetry* (London, 1977), writes that “his real achievement is not to misrepresent his original” (219). Most critics touch on Roos's translation only in passing, as in H. S. Bennet, *Chaucer and the Fifteenth Century* (Oxford, 1947), 132. Others fold it into larger arguments they are pursuing about Middle English poetry in general, as in Richard Firth Green, *Poets and Princepleasers: Literature and the English Court in the Late Middle Ages* (Toronto, 1980), 114–15, 123–25, who discusses the text largely within the context of court debate.

⁴ Ethel Seaton, *Sir Richard Roos, c. 1410–1482, Lancastrian Poet* (London, 1961), is the major exception, although her book is focused more on establishing Roos's biography and mak-

Pynson's inclusion of the Middle English *LBDSM* in his 1526 edition of Chaucer guaranteed the text a place in the Chaucerian "canon," albeit a minor place. Pynson's colophon is quite precise about the attribution of the translation: "translated out of frenche in to Englysshe by Geffray Chaucer / flour of peotes [sic] in our mother tong."⁵ Roos might well be proud of the misattribution, which attests to the success of his attempted synthesis of Middle English poetic style and French poetic idiom. Though his text is not unique in being misattributed to Chaucer (that notorious strange attractor for Renaissance editors), to be mistaken for "the flower of poets" is nonetheless high praise, even if it comes at the cost of authorial identity.

Roos seems to have anticipated the problem of his own anonymity, choosing in his framing material to mark his own contribution to Chartier's text in subtle ways that could easily be missed by casual or inattentive readers, of which there have been many. Like many Middle English poets, Roos indulges in the humility *topos* in the epilogue to his translation, urging his poem to "be simple of matere" and telling it to pray "Unto heim al that thee wil rede or here, / Where thou art wronge, after thaire help to calle, / Thee to corecte in any part or alle" (lines 830 and 833–35).⁶ Roos's editors and readers have consistently accepted the invitation offered here to "corecte" the poem, and the "part" they have most often addressed is the framing material, usually with the result of obscuring Roos's own poetic contribution to his translation. As recent scholarship has shown, however, the "framing" material of Middle English court poetry, especially of translations, provides the modern reader with a crucial set of ideas that have contributed greatly to our developing understanding of the role Middle English translation played in the evolution of English poetic style.⁷ Elsewhere, I have argued that a primary theme in the

ing cases for dozens of (dubious) attributions to Roos. See also Melissa L. Brown, "The Hope for 'Plesaunce': Richard Roos' Translation of Alain Chartier's *La Belle Dame Sans Merci*," in *New Readings of Late Medieval Love Poems*, ed. David Chamberlain (Lanham, Md., 1993), 119–43.

⁵ For a discussion of this colophon, see Kathleen Forni, "Richard Pynson and the Stigma of the Chaucerian Apocrypha," *Chaucer Review* 34 (2000): 428–36, esp. 429–33, where she argues that Pynson was more careful than he is generally credited, especially with respect to Thynne, who omits this colophon and thus opens up the possibility that the text as a whole (rather than simply the translation) is being attributed to Chaucer.

⁶ All citations are taken from the new TEAMS edition of the poem, *Chaucerian Dream Visions and Complaints*, ed. Dana M. Symons (Kalamazoo, 2004).

⁷ Judith M. Davidoff, *Beginning Well: Framing Fictions in Late Middle English Poetry* (London, 1988), provides a general study of narrative frames, and Helen Phillips, "Frames and Narrators in Chaucerian Poetry," in *The Long Fifteenth Century: Essays for Douglas Gray*, ed. Helen Cooper and Sally Mapstone (Oxford, 1997), 71–97, has more recently taken the question up. Both address *LBDSM* only in passing. But the sharpened conceptual focus that has come

prologue and epilogue to Roos's translation is his anxious engagement with the question of authority, both literary and political.⁸ This article extends that argument to note the way early manuscripts, print editions, and modern readers have struggled with key features in Roos's attempt to differentiate himself from Chartier: his subtle use of a framing fiction for his translation and his employment of the rhyme royal stanza as a distinguishing stylistic feature.

Most of Roos's scribes, editors, and readers have recognized his work as translator as distinct from the text itself at some level (through rubrics, marginalia, and textual layout), but they do so in uneven ways that result in a confused representation of the relationship between Roos's translation of Chartier's text and his independent contributions. This confusion, in turn, has effaced his real achievement in the poem, which marks a stylistic highpoint in the fifteenth-century synthesis of the French poetic idiom and the post-Chaucerian Middle English style, in which the rhyme royal stanza played a crucial part.⁹ Given the recent new edition of his poem, as well as its manifest high quality, this article aims to draw renewed attention to the poem itself by briefly examining some of the differences in the textual representation of Roos's framing material, particularly the confusion surrounding the epilogue, where the boundaries between Chartier's text, Roos's translation, and Roos's original contributions have consistently been blurred. Part of this confusion emanates from the inherent complexity of narrative voice in the closing stanzas of Chartier's original text, to which none of the editors or scribes of Roos's poem evidently had access. Lacking a foothold in that original text, editors and scribes were forced to make judgments about attributing and describing the interpretive function of the final stanzas, and these judgments reveal to some degree how they understood the interpretive value of the epilogue material.

from analyzing prologues has emerged most forcefully through the publication of *The Idea of the Vernacular: An Anthology of Middle English Literary Theory, 1280–1520*, ed. Jocelyn Wogan-Browne, Nicholas Watson, Andrew Taylor, and Ruth Evans (University Park, Pa., 1999), which gathers together Middle English texts that reflect directly on their own status in relationship to translated texts and one another. In her critical essay at the end of that volume, Ruth Evans, “An Afterword on the Prologue,” 375–76, offers an incisive account of the importance of Middle English prologues.

⁸ Ashby Kinch, “A Naked Roos: Translation and Subjection in the Middle English *La Belle Dame Sans Mercy*,” *The Journal of English and Germanic Philology* 105 (2006): 415–45.

⁹ There is surprisingly little scholarship on the rhyme royal stanza, though see the account in Martin Stevens, “The Royal Stanza in Early English Literature,” *PMLA* 94 (1979): 62–76. *The Norton Anthology of English Literature*, 7th edition, ed. M. H. Abrams and Stephen Greenblatt (New York, 2000), 2949, contains a deeply flawed account of the relationship between the rhyme royal and the *ottava rima*, in which the French *huitain* is not discussed at all, despite its manifest importance in English poetry in the late medieval period.

Roos sought to make his work as translator transparent in two senses of that word: both obvious (so that what he had written would be clearly differentiated from what Chartier had written) and noninterfering (so that Roos's Middle English would convey Chartier's French as fully as possible). In an evident attempt to develop a narrative connection to Chartier's text, the prologue describes the origins of the translation in a fictional frame. The narrator wakes up and, realizing he has been given a writing task, goes out to "a lusty grene valy / Full of floures" (24–25), where, "so bolded, with thaire benyng sufferaunce / That rede this boke, touching this saide matere" (26–27), he begins his translation, which the artifice of the dramatic frame represents as an act of pastoral devotion. The translation is a commission from "hem the whiche I durst not dissobay . . . to translate by and by. . . . A boke called *La Belle Dame sans Mercy*" (7–10). Chartier's text, we note here, is explicitly named and attributed to "maister Alyn . . . / Chief secretary with the kyng of Fraunce" (11–12), suggesting that those who made the Chaucerian attribution were not able to link "maister Alyn" with the historical Chartier (1385?–1430), and thus realize that the text had to postdate Chaucer's death. *Ff* offers the generic designation "Prologue" (fol. 117r) before the poem's opening,¹⁰ though it is not clear whether the scribe recognizes the distinction between Roos's prologue (four stanzas of rhyme royal) and Chartier's much more elaborate introduction (twenty-four *huitain* stanzas), in which a widower-narrator retreats to a garden where he overhears a debate between L'Amant and La Belle Dame. These various explicit signals of transmission in the Middle English prologue, however, draw attention to the process and motive behind the work, and thus lead the reader to heightened awareness of the seam between translation and text. Yet the framing fiction itself works in the opposite direction: by pushing the narrator out into nature, Roos puts his narrator in figurative contact with Chartier's narrator, who is "ryding an esy paas" (29)

¹⁰ For ease of reference for those readers who intend to correlate this discussion with existing editions of the poem, I have adapted the following manuscript abbreviations from Dana Symons' new edition of *La Belle Dame sans Mercy* in *Chaucerian Dream Visions and Complaints*:

F = Oxford, Bodleian Library Fairfax 16, fols. 50r–62v

Ff = Cambridge, University Library Ff.1.6 (Findern manuscript), fols. 117r–134v

H = London, British Library Harley 372, fols. 61r–69v

L = Warminster, Longleat House 258, fols. 120r–136v

P = Richard Pynson, *The Boke of Fame* (1526); STC 5088

T = Cambridge, Trinity College R.3.19, fols. 98r–108v

Th = William Thynne, *The Workes of Geffray Chaucer* (1532); STC 5068

For a facsimile of *Ff*, see A. E. B. Owen and Richard Beadle, eds., *The Findern Manuscript: Cambridge University Library MS Ff.1.6* (London, 1977).

in the countryside and pensively obsessing over his current malaise (which includes his own reflections on the difficulty of composing verse while mourning the death of his lady).

This contact between translator-narrator and text-narrator makes the final line of Roos's prologue particularly interesting: "Thus I began, if it please you to here" (28). The "beginning" to which he refers is presumably the work of translation, which commences with the next line. The work of translation is, of course, already done by this moment in the time of the poem, here announced through the fiction of reciting it to an audience that would "hear" it. But the line also announces the beginning of the text proper, allowing the "I" of the translation to blend with the "I" of the text: not quite "seamlessly," but certainly so smoothly that the casual reader will not notice the difference.¹¹ *T* represents this difference between translator's prologue and text explicitly by an enlarged initial at line 29 with space for decoration (fol. 98r), which was never completed.¹² But the difference between translation prologue and text prologue is also marked poetically, since a different stanza form is used in the text: the prologue is written in rhyme royal (a-b-a-b-b-c-c) and the translation is rendered as closely as possible to Chartier's *huitain* (a-b-a-b-b-c-b-c). Roos assiduously distinguishes his own poetic additions from his translation by means of this different stanza: the four rhyme royal stanzas in the prologue and the four in the epilogue serve to set his contribution off stylistically from Chartier's text. There are certainly instances in Middle English poetry of radical translation of form, wherein the rhyme royal stanza supplants the form of the original: Lydgate's *Fall of Princes*, for example, which renders Boccaccio's (and Laurence de Premierfait's) prose *De casibus* in rhyme royal, or Hoccleve's *L'Epistre de Cupide*, which translates Christine de Pizan's octosyllabic couplets into rhyme royal. The Middle English translator of *The Romans of Partenay, or of Lusignen* even comments explicitly in an epilogue on his decision to translate the original French text, *Roman de Melusine*, from octosyllabic couplets into rhyme royal stanzas, noting that it has resulted in slightly fewer lines than the original.¹³ To my knowledge, however, Roos is unique in Middle English poetry in writing his framing material in his own

¹¹ Helen Philips, "Frames and Narrators," 91, claims that the narrator "merges" into Chartier's narrator; this is partly true, but the subtle stylistic distinction Roos makes between his prologue and Chartier's is missed if one overemphasizes the point.

¹² For a facsimile of *T*, see *Manuscript Trinity R.3.19: A Facsimile, The Facsimile Series of the Works of Geoffrey Chaucer Vol. 5*, introduction by Bradford Y. Fletcher (Norman, Okla., 1987).

¹³ See the discussion of this epilogue by Brenda M. Hosington, "From 'Theory' to Practice: The Middle English Translation of the *Romans of Partenay, or of Lusignen*," *Forum for Modern Language Studies* 35 (1999): 408–21.

voice and in a different stanza form, while nonetheless striving to maintain fidelity to the form of the original text in his main translation. The subtlety of the gesture has consistently thrown readers off.

The *Ff* scribe, for example, struggled with the transition from translator's prologue to text proper: in the Middle English text, after the first twenty-eight lines, the verse form switches to *huitain*. The *Ff* scribe finished the first full stanza as a rhyme royal, and then had to insert line 35 in the margin to complete the *huitain*. The lines read "Sith by hire dart moost cruell, ful of hate, / The deth hath take my lady and maistres / And left me soul, thus discomfit and mate, / Sore languisshing and in wey of distresse" (33–36). The insertion is indubitably the scribe's own correction. Although it could have been the result of an eye-skip, the two scribes who copied *LBSDM* are otherwise relatively accurate copyists on the line-by-line level. Scribe 6, who is responsible for most of the copying of *LBSDM*, also wrote *The Parliament of Fowls* (item 12) and Hoccleve's *L'Espitre de Cupide* (item 24) in the same manuscript, both in rhyme royal stanzas.¹⁴ It is notoriously difficult to guess at the intention of scribes, but in this case, one must note that the missing line occurs at the exact moment when the poem makes a formal transition, and that the omitted line specifically occurs at the moment where the formal differentiation between the rhyme royal and the *huitain* takes place. Leaving out the penultimate line of this stanza (line 35 above) renders a rhyme royal stanza ending with a c-c couplet. Reintroducing the line reestablishes the *huitain* with a c-b-c ending. This scribal intervention thus suggests two sequential decisions: the first, to omit the line because it violated the rhyme royal of the first four stanzas; and the second, to reinsert the line, presumably after reading through the next stanza and correctly identifying the stanza form. The layout of the stanzas on fol. 117r and 117v also indicates that the scribe had to make an adjustment after realizing that the poem did not continue in rhyme royal. The line insertion occurs in the fifth stanza of the poem, which is the middle of the three stanzas copied on fol. 117v. Between the fourth and the fifth stanzas, the spacing is the same as fol. 117r, on which the first three rhyme royal

¹⁴ Scribe 25 copied out fol. 120r–122v and 127r–129v in *LBSDM*. The Findern manuscript as a whole is a complex composition, written over several decades in the late fifteenth century by forty different scribes. For details of the scribal stints and the make-up of the manuscript, see Kate Harris, "The Origins and Make-up of Cambridge University Library MS Ff. 1.6," *Transactions of the Cambridge Bibliographical Society* 8 (1983): 299–333; and Ralph Hanna, "The Production of Cambridge University Library MS. Ff. i.6," *Studies in Bibliography* 40 (1987): 62–70, who has described the Findern manuscript compilation process as being governed by either a "sort of social game where the archetype and in-production codex were passed about in a gathering for successive additions" or "chance additions by any interested members of the household" (64).

stanzas are written; but after making the line insertion, the spacing is compressed to account for the three extra lines per page. The handling of this transition suggests that the scribe became aware of the difference in verse form during the copying process and made the necessary changes in page layout to account for it.

The far more complicated problems with text transmission occur, however, in the way manuscripts and print editions handle Roos's four-stanza epilogue, also written in rhyme royal. Here, the problematic ending of the original French text may have contributed to editorial misunderstanding. Chartier's text ends with a description of L'Amant, dejected, leaving his exchange with La Belle Dame, and then finally dying, as rendered here in Roos's translation: "He rent his heere, for anguiss and for Payne, / And in hymself toke so gret hevynesse / That he was deed within a day or twayne" (810–12). Following this narrative "end" of L'Amant's death, itself subject to conflicting interpretations in modern scholarship on the poem,¹⁵ Chartier wrote two concluding stanzas addressing, first, "ye trewe lovers" (813) and castigating "aventours" who have destroyed the reputation of the "hole countre of Love," and then, "ye ladies" (821), imploring them not to be hard-hearted like La Belle Dame.¹⁶ These are the only stanzas in the poem in which Chartier's narrator steps out of the role of a fictionalized narrative voice to address his audience directly: where in the elaborate opening section of the poem the narrator is himself immersed in the woe of losing his lady, here at the end he offers to the audience explicit commentary on the preceding action. In the transmission of

¹⁵ While earlier critics tended to view L'Amant's death as an emblem of Chartier's critique of court, Emma J. Cayley, "Drawing Conclusions: The Poetics of Closure in Alain Chartier's Verse," *Fifteenth Century Studies* 28 (2003): 56–57, has recently focused on the ambiguity in the way the narrator reports L'Amant's death, and Robert Giannasi, "Chartier's Deceptive Narrator: *La Belle Dame sans mercy* as Delusion," *Romania* 114 (1996): 383, claims that the narrator fabricates L'Amant's death as a strategy to gain the reader's sympathy.

¹⁶ The envoy has generated quite a bit of modern critical wrangling, primarily concerned with the question of whether Chartier castigates women more than men. The widespread emphasis of the *querelle* texts on the guilt or innocence of La Belle Dame suggests that contemporary readers were most bothered by the representation of women; many held Chartier guilty for having depicted such a cruel woman, regardless of the fact that he castigates her in the final *huitain*. For a range of views on the ending and the ensuing debate, see William F. Kibler, "The Narrator as Key to Alain Chartier's *La Belle Dame sans mercy*," *The French Review* 52 (1979): 714–23; Joseph Brami, "Un lyrisme de veuvage: Étude sur le je poétique dans *La belle dame sans merci*," *Fifteenth-Century Studies* 15 (1989): 53–65; Giuseppe E. Sansone, "La *Belle Dame sans merci* et le langage courtois," *Le Moyen Français* 39–40–41 (1997): 513–26; Helen Swift, "Alain Chartier and the Death of Lyric Language," *Acta Neophilologica* 35 (2002): 57–65; and David Hult, "La Courtoisie en décadence: L'Exemple de la *Belle Dame sans merci* d'Alain Chartier," *Progrès, réaction, décadence dans l'Occident médiéval*, ed. Emmanuèle Baumgartner, Laurence Harf-Lancner (Geneva, 2003), 251–60.

the Middle English translation of the text, it is clear that some scribes and editors have not recognized the distinction between Chartier's narrative voice and Roos's, and this problem has been especially evident in the final eight stanzas, where there are several shifts in narrative voice in quick succession.

Throughout the transmission of the Middle English *LBDSM*, there is evidence of scribal attention to the boundary between text and translation, though there are instructive differences in the way those boundaries are marked, analysis of which reveals to a certain extent the way the various scribes and editors understood, or failed to understand, the shifts in narrative voice in the closing stanzas. Between the final lines of the translation and the Middle English epilogue, *F* has a scribal "Explicit," as do *Ff* and *H*, all of which suggest the scribes were at least aware of the boundaries between the poem and the epilogue at some point in the transmission of the text.¹⁷ In addition to its "Explicit," *Ff* adds a line drawn across the page to mark the end of the translation (fol. 134r), but this line has clearly been inserted later, as room for it was not made in the original design of the page. In these texts, then, the boundary between text and translation is marked, drawing attention to the difference between the work of the poet and the commentary of the translator, although the "Explicit" alone does not clearly indicate scribal awareness that the material that follows is the work of a translator, as opposed to the original author. Both *F* and *H* do make that distinction by adding "verba translatoris" (*F* in the margin next to line 829 and *H* in the margin next to line 830), noting the switch back to Roos's voice, which here attains whatever authority might accrue to a translator who refers to his own text as "a best, naked, without refute" (845).¹⁸

L, uniquely among manuscripts, adds the generic term "Lenvoy" (which Symons adopts in her edition) before the final four stanzas of Roos's original commentary epilogue (i.e., *after* Chartier's two-stanza epilogue). This addition is influenced, no doubt, by the opening line of Roos's epilogue, "Goo litel boke, God sende thee good passage" (829), which resonates in the Chaucerian tradition as a conventional envoy in which the author takes leave of the text.¹⁹ By evoking a degree of authorial investment in the text, and the author-

¹⁷ Whereas these manuscripts (*F*, *Ff*, and *H*) mark the end of Chartier's poem with an "Explicit" in the margin *before* Roos's Middle English commentary stanzas, *T* places its "Explicit" *after* Roos's rhyme royal epilogue. *T*, in other words, does not mark the distinction between the end of Chartier's poem and the beginning of Roos's four-stanza commentary as these other manuscripts do. The way *L* handles the transition is discussed below.

¹⁸ For a full reading of the ambivalence implied in Roos's use of the "naked beast" simile, see Kinch, "A Naked Roos," 441–44.

¹⁹ See *Troilus and Criseyde* V. 1786–92, in *The Riverside Chaucer*, ed. Larry D. Benson (Boston, 1987).

ity of comment that comes with that investment, the generic term “Envoy” suggests a much more integrated relationship between text and epilogue than “verba translatoris.” The use of the term “Envoy” suggests that the *L* scribe viewed this four-stanza unit as having some form of authority as a reading of the poem, and clearly indicates that the *L* scribe understood the final four stanzas to be in a different voice. Chartier’s concluding stanzas, however, are not rendered accurately in *L*, which omits line 817, “Refuse hath mad, for al sich flateryse,” and line 824, “Namly, to hem that have deservyd grace” (see Appendix B for Skeat’s text of the two complete stanzas). By removing a b-rhyme from the interior of these two stanzas, this version reduces Chartier’s concluding stanzas to a kind of mangled rhyme royal: unlike *Ff* discussed above, the seven-line stanzas here do not conform to the rhyme scheme Roos employs in the frame.²⁰ *L* demonstrates a certain degree of literary sophistication in its handling of Roos’s framing material by its use of the generic marker “Envoy,” which draws explicit attention to the unique contribution of the final four Middle English epilogue stanzas by setting them apart from the two stanzas of commentary translated from Chartier. But *L*’s transmission of these garbled, seven-line stanzas directly affected later editorial decisions regarding the epilogue material, which in several versions is represented as a six-stanza unit in seven-line stanzas, thus dissolving the difference between Chartier’s epilogue and Roos’s.

Though he did not edit from *L*, Pynson seems to have viewed the final six stanzas (the two by Chartier, the four by Roos) as a unit, since he chose to replace them en bloc with his own original six-stanza “Envoy de limprimeur” (see Appendix A). He thus clearly makes the distinction between the end of the text (the narrator’s description of L’Amant’s despondent exit) and the commentary, but this distinction comes at the cost of effacing Chartier’s original two-stanza moral and erasing entirely Roos’s own engagement with the text. Pynson’s text ends with the narrative description of the lover’s death with a “finis” after line 812, followed by his screed to the “lusty galondes” and “ladyes endued with hye prudence.” By dedicating one stanza to casti-

²⁰ Symons, *Chaucerian Dream Visions*, writes in a note to line 817, “There is a mark between lines 816 and 818 in the [Longleat] MS that seems intended to note the omission,” 273; she repeats the observation for line 824. The first mark of omission begins above the *h* of “his” in line 818, extends into the margin, and curls down the page with two dots hanging to the right; the second is a straight line extending from above the *n* of “nor” in line 825 directly into the margin. It is inconclusive whether the marks are scribal or made by a later hand. We also cannot know, of course, whether *L* is merely transmitting these garbled stanzas from an exemplar, or whether, perhaps, the *L* scribe made an “editorial” decision to omit the lines, thus reducing an eight-line stanza to seven lines to make them correspond numerically with the four stanzas that follow.

gating male lovers and the other to women, in principle Pynson mirrors the topics of Chartier's original text. The tone, however, is decidedly different, as the next four stanzas make an argument about the false ethics of a love that seeks its own desires above the desires of the beloved. The "Envoy de l'imprimeur," in other words, only superficially addresses the material from the original poem or the translation; as the rubric itself indicates, it rather gives Pynson a soapbox to develop his own argument about love and marriage. The fact that he wrote it in rhyme royal stanzas is telling, as it suggests that he recognized the importance of marking his addition as formally distinct from Chartier's text in the same way Roos did. Perhaps he even thought of his stanzas as a morally superior "substitute" for the original matter he displaced. If so, it is curious to note that he is effectively removing "Chaucer's" voice, since he evidently believed that Chaucer had written the translation. This is especially interesting when one compares this erasure of the epilogue framing material to the way Pynson handles the layout of the prologue: Roos's four rhyme royal stanzas are laid out on their own page with a half-page woodcut above (the next folio begins with the text of the translation of Chartier's poem). As mentioned above, Pynson specifically stressed Chaucer's eloquence in introducing the translation, so the prologue seems designed to stress "Chaucer's" textual authority, while the epilogue entirely represses it in favor of Pynson's own rhetorical performance. Further, Pynson's explicit to *LBDMS* links back to Chaucer's authority, as well as connecting forward to the text of proverbs that follows: "Thus endethe the boke / called La Bell dame sauns mercy. And here foloweth certayne morall proverbes of the foresayd Geffray Chaucers doyng." So, while Pynson is ostensibly invested in Chaucerian authority, he also clearly sees a role for himself in interpolating a more tendentious and aggressive morality where Chartier's original text is more ambivalent.²¹

In her discussion of the differences between Pynson and Thynne, Kathleen Forni astutely argues that Pynson's moral values govern his decision to write his own epilogue: the stanzas moralize the story in a narrow way that castigates women, and urges men and women both to seek spousal love, or, better

²¹ This tendency to moralize or simplify a French courtly text is evident in several translations of French texts by English authors in the late medieval period, a topic of interest to a number of scholars working in late medieval literature. For comments on this question, see, *inter alia*, J. D. Burnley, "Late Medieval English Translation: Types and Reflections," in *The Medieval Translator: The Theory and Practice of Translation in the Middle Ages*, ed. Roger Ellis (Cambridge, 1989), 42; and Rosalind Field, "Ipomedon to Ipomadon A: Two Views of Courtliness," in *The Medieval Translator: The Theory and Practice of Translation in the Middle Ages*, ed. Roger Ellis (Cambridge, 1989), 139–40.

yet, the love of God.²² She goes on to develop a comparison to Thynne's edition of 1532: "In contrast, Thynne's conclusion (from Longleat 258), instead of urging men and women to eschew the snares of passionate love, is addressed specifically to women. While his envoy also at first fingers the male lover in *La Belle Dame* as a fraud, it goes on to gently caution women not to dismiss the 'trew man' who is faithful in his observance."²³ She then includes as illustration of Thynne's different conclusion the final stanza of Roos's translation of Chartier's text (lines 821–28). In an otherwise excellent study of the Chaucerian apocrypha, here Forni muddles the relationship between and among the acts of writing, translating, commenting, and editing poetry. First, the stanza she prints is *not* the stanza from Thynne, which, as noted above, follows *L* in omitting line 824: the eight-line stanza she cites is, in fact, the stanza as printed in Skeat,²⁴ who based his text on Thynne, but collated from *F*, *H*, and *Ff*. Second, attributing any agency to Thynne here is misleading, since his edition simply restores the two final stanzas of Roos's translation of Chartier's text, taken with their defects intact from *L* (the missing lines, as discussed above). Thus, when she writes that "in place of Pynson's conventional moral, Thynne substitutes a more worldly and ambiguous conclusion, which recognizes artifice as an integral aspect of courtly and amorous performance,"²⁵ she attributes an agency to Thynne that rightly belongs to Chartier (and indirectly to Roos via the translation). Any ambiguity is rooted in Chartier's own decision to write a "double moral" rather than a selective denunciation of either men or women.

Thynne's role here, of course, is essential and is, at least in some measure, an act of literary criticism,²⁶ as the restoration of the text removes Pynson's more overt moralizing. Like other scribes and editors, however, Thynne also fails to observe the distinction that Roos himself attempted to make between Chartier's text and his own contribution, as his layout of the final six stanzas suggests he did not recognize where Chartier's voice stops and Roos's starts. On the basis of external evidence (a faded inscription reading "Maister William thyne" and the fact that Longleat House was built by Thynne's nephew,

²² See Kathleen Forni, *The Chaucerian Apocrypha: A Counterfeit Canon* (Gainesville, Fla., 2001), 59–60.

²³ Ibid., 59–60.

²⁴ See Skeat, *Chaucerian and Other Pieces*, 326.

²⁵ Forni, *Chaucerian Apocrypha*, 60. I agree with the general critical judgment here but am wary of attributing it to Thynne.

²⁶ I write this in awareness of Joseph Dane's cautionary criticism of projecting modern literary critical judgments onto early modern printers; see Joseph A. Dane, *Who is Buried in Chaucer's Tomb?: Studies in the Reception of Chaucer's Book*. (East Lansing, 1998), 45–49, for a discussion of Thynne, Stow, and the question of literary critical judgment.

John Thynne) and internal textual evidence (close correspondences in unique readings between *Th* and *L*), it is clear that Thynne regularly consulted *L* for his 1532 edition, which incorporates other pseudo-Chaucerian works along with *LBDSM*.²⁷ Thynne relied heavily on Pynson for his edition of *LBDSM*,²⁸ but he significantly departs from it by replacing Pynson's final moralizing epilogue with the final six stanzas of *L*.²⁹ Indeed, Thynne seems to have accepted *L*'s authority for the concluding stanzas of *LBDSM* without reference to any other manuscript, which might have provided a corrective reading for the missing lines discussed above: he left in place the pseudo-rhyme royal stanzas. Given Thynne's acceptance of the poem as Chaucerian, it stands to reason that he would also pass along *L*'s generic designation ("Lenvoy"), as it would conform to the general Chaucerian mode of authorial statements coming at the end of the text. But, unlike *L*, Thynne's edition places the term "Lenvoy" before the two-stanza double moral, making a six-stanza unit that thus corresponds directly to Pynson's six-stanza "Lenvoy." James Blodgett has noted that the printer's marks in *L* reflect the column and page designations for three poems in Thynne's edition: *The Assembly of Ladies*, *Anelida and Arcite*, and *LBDSM*. In *L*'s copy of *LBDSM*, the printer's marks come only in the concluding stanzas. One, a dash between lines 852 and 853, Blodgett explains by saying that it "probably resulted from someone's failure to allow, while counting off the text, a line for the notation *Lenvoy*, which is printed on a separate line before the final six stanzas."³⁰ While someone may have been hasty in marking off the lines, ample space on the page was made for the "Lenvoy" notation to be set off on its own line in the print edition: the printer's marks in the manuscript are thus likely corrections of the counting that were rectified before printing so that space could be made for the "Lenvoy." In a sense, Thynne is splitting the difference between *P* and *L*: while he interpolates the final stanzas from *L*, he adopts Pynson's "structure" by mov-

²⁷ See Eleanor Prescott Hammond, "MS. Longleat 258—A Chaucerian Codex," *Modern Language Notes* 20.3 (1905): 77–79; Seaton, *Sir Richard Roos*, 92–93; and James Blodgett, "Some Printer's Copy for William Thynne's 1532 Edition of Chaucer," *The Library*, sixth ser., 1 (1979): 97–113.

²⁸ Blodgett, "Some Printer's Copy," 102, notes that "Thynne's copy-text for *La Belle Dame* was Richard Pynson's 1526 edition of the poem, with which Thynne's text generally agrees very closely—a letter-for-letter agreement in over 150 lines."

²⁹ We should not, of course, be surprised by Thynne's exercise of critical judgment with respect to Pynson's text. Robert Costomiris, "The Influence of Printed Editions and Manuscripts on the Canon of William Thynne's *Canterbury Tales*," in *Rewriting Chaucer: Culture, Authority, and the Idea of the Authentic Text, 1400–1602*, ed. Thomas A. Prendergast and Barbara Kline (Columbus, 1999), 237–57, argues that Thynne demonstrates considerable independence from Pynson, especially with respect to the order of the *Tales*.

³⁰ Blodgett, "Some Printer's Copy," 102.

ing the “Envoy” designation two stanzas earlier, and he does so against the testimony of *L*, which places the generic term more accurately.

Changing the place of the “Envoy” designation reflects, I would argue, an attempt to make sense of the boundary between author and translator by attributing the final six stanzas to a single, Middle English author, whom he believed to be Chaucer. For Thynne’s edition, the “Envoy” marks the contribution as a distinctive “Chaucerian” addition to the translation, and, by displacing Pynson’s voice, reestablishes “Chaucer’s” authority.³¹ This decision overrides any specific judgment he might have attempted to make concerning the sense of the two stanzas, since the elision of the two lines in *L* scrambles the grammar in both instances.³² The text as rendered in Thynne thus represents the two-stanza commentary as a Middle English contribution (written in a seven-line stanza, though it no longer follows the rhyme royal scheme), displacing Chartier’s agency in favor of a pseudo-Chaucer, our poor Roos. Like *L*, Thynne is trying to make a clear distinction between text and epilogue; unlike *L*, however, whose “Envoy” designation maintained the proper division between the poem’s epilogue and the translator’s, Thynne further simplifies the succession of narrative voices by absorbing the defective stanzas from *L* into the “Envoy.” This newly-created textual unit, made up of six seven-line stanzas (two defective stanzas, four rhyme royal stanzas) must have seemed to Thynne like a Chaucerian epilogue, replete with ambivalence, attached to the end of a narrative.

It seems unlikely that either Thynne or Pynson had access to Chartier’s original French poem, which might have clarified the boundary between text and epilogue by providing Chartier’s two-stanza epilogue; in Thynne’s case, such access might have alerted him to the deficiencies of the epilogue stanzas in *L*. While Thynne worked directly from a defective manuscript, Stow definitely had access to a superior manuscript when he produced his 1561 edition of Chaucer (STC 5076), but evidently did not consult it in editing *LBDSM*. As with many texts in his edition, Stow reproduces Thynne’s decisions on the

³¹ As Robert Costomiris has pointed out, printer’s prefaces to Chaucer’s works indicate a considerable investment in the idea of Chaucer’s authority; see “Sharing Chaucer’s Authority in Prefaces to Chaucer’s Works from William Caxton to William Thynne,” *Journal of the Early Book Society for the Study of Manuscripts and Printing History* 5 (2002): 1–13, esp. 7–10 on Thynne.

³² Like Forni, Blodgett attributes agency to Thynne in a way that similarly disregards Chartier’s original text and Roos’s translation: “Thynne, apparently much more in sympathy with the spurned lover, turned to Lg’s text to restore the envoy that urges ladies not to be cruel to their suitors as the merciless lady of the poem was” (“Some Printer’s Copy,” 102). It seems much more likely that Thynne’s restoration of these stanzas is rooted in his commitment to restoring Chaucer’s verse than any sympathy with the spurned lover.

epilogue to *LBDSC*: he uses Thynne's "Envoy" designation for the final six stanzas and transmits the two defective rhyme royal stanzas. Stow could have corrected the problem by consulting the *LBDSC* text in *T*, to which he had access, since he extracted *The Craft of Lovers* and several other texts from it.³³ He clearly did not consult *T* in editing *LBDSC*, since *T* has the complete stanzas of Chartier's envoy translated into Middle English in the *huitain* form (lines 813–28): if he had consulted *T* directly for the final stanzas, he could have corrected the defective stanzas that Thynne introduced from *L* by supplying lines 817 and 824. Unlike most of the manuscripts, however, *T* does not have any marginalia in the framing material, nor does it mark the boundaries between text and epilogue: these textual features might have drawn Stow's attention to the final stanzas.

Thynne's decision also fooled Skeat and evidently caused him to reverse his prior better judgment. In his introduction to the facsimile edition of Thynne (1905), he writes (inaccurately), "Of [*LBDSC*], only ten stanzas are original, viz. four at the beginning and six at the end, which, unlike the rest of the poem, contain seven lines only."³⁴ By "original," he obviously means contributions by Roos that are not translated from Chartier's text, so he, too, includes the two-stanza moral as an original Roos contribution (in rhyme royal, not in the *huitain*), about which he also makes the following judgment in comparison with Pynson: "[Pynson's] 'printer's' Envoy is much inferior to Sir Richard Ros's own, and the substitution of it was ill-advised."³⁵ It is hard to disagree with the aesthetic judgment, which most commentators on Pynson's edition have shared, and it is refreshing to see Roos praised, though again, falsely, for here he picks up two stanzas to his credit that he merely translated. It is mystifying that the ghost rhyme royal stanzas as printed in Thynne were enough to convince Skeat of Roos's authorship of the whole six-stanza unit. He had, in fact, correctly arranged the final stanzas in his earlier edition of the poem (1897), where he offers a tripartite division with headings: "Verba Auctoris" (797–812, the final narrative action of the poem proper); "Envoy" (813–27, Chartier's two-stanza double moral in *huitain*); and "Verba Translatoris" (829–56, Roos's four-stanza epilogue in rhyme royal).³⁶

³³ For a discussion of Stow's use of *T*, see A.S.G. Edwards and J. Hedley, "John Stowe, *The Craft of Lovers* and T.C.C. R.3.19," *Studies in Bibliography* 28 (1975): 265–68. Forni, *Chaucerian Apocrypha*, 37, notes that Stow includes two poems, *Ten Commandments of Love* and *Nine Ladies Worthy*, that are transmitted in booklet 7 along with *LBDSC*.

³⁴ *The Works of Geoffrey Chaucer and Others, Being a reproduction in facsimile of the first collected edition of 1532*, introduced by Walter Skeat (London, 1905), xxxv.

³⁵ *Ibid.*, xxxv.

³⁶ Skeat, *Chaucerian and Other Pieces*, 324–26; he writes in the introduction to his 1897 volume that Roos contributes "only 8 stanzas of his own" (liii).

As noted above, he (correctly) imported lines 817 and 824 from alternate manuscript sources *F* and *H* (see Appendix B). Though the label “Verba Auctoris” is debatable (since the passage from 797–812 might be more constructively understood as the narrative voice), that attribution has the benefit of manuscript authority: *F* has a marginal “verba auctoris” next to line 800. The designation of the author as the speaker is also a marked improvement over the way the early print editions attribute these lines: *P* has “lamant” before line 797,³⁷ a rubric that seems to extend the dialogue structure of the dominant portion of the text (245–796), in which L’Amant and La Belle Dame trade stanzas. After the narrator describes the departure of “this woeful man” (797), L’Amant does have several lines of monologue (801–4), in which he asks for death to “come forth, thyself avaunce” (801), a request Chartier’s narrative grants by an ironic narrative realization of the figure of dying for love. But these stanzas are reported by the narrator and *P*’s dialogue attribution misrepresents the shift at this point in the poem from dialogue into the narrative coda. Skeat’s 1897 text thus offers the best representation of these closing lines by creating rubrics that most accurately describe the three shifts in voice in the space of eight stanzas. But by 1905 Skeat had forgotten or simply was too hasty in writing these comments on Thynne to recall this better editorial decision.

These confusions in handling the framing material of *LBDMS* are instructive, and not least because of the way they emerge from very different kinds of decisions with respect to adjudicating the boundaries between text and commentary in Roos’s translation. Widespread neglect of Chartier’s original French text has fostered much of the confusion with respect to the “envoy,” no doubt influenced by the fact that most editors of the text have been more interested in its relationship to the Chaucerian canon than its relation to its source. The muddling, in other words, is a by-product of inattention to Roos’s own poetic project of providing for his English readers access to a prestigious French courtly text and constructing a Middle English poetic idiom through which to transmit the grace and eloquence he discovered in Chartier. Scrutinizing these different acts of reception by scribes and editors, medieval, early modern, and modern, however, ought not to be an end in and of itself, but rather a means by which to clarify some of the subtleties Roos himself practiced in translating Chartier’s poem into a new literary environment. The framing material in rhyme royal stanzas is crucial to the “translation” of the

³⁷ Both Thynne and Stow replicate this dialogue rubric in their editions, despite the fact that neither of the manuscripts to which they had access (*L* for Thynne, *T* for Stow) attribute these lines to “lamant.” Indeed, other than *F*’s “verba auctoris,” none of the manuscripts attributes these stanzas to a speaker.

poem, as a means by which Roos constructed his relationship to the text as one of simultaneous devotion and distance. His text seeks out proximity to the authorial prestige of Chartier's poem (through the fictional frame and the formal fidelity to Chartier's poem), even as it attempts to call at least some attention to his own distinct poetic identity (through original commentary written in rhyme royal stanzas). The tension in this poetic stance is especially evident in the epilogue, where Roos's narrator indulges in the excessive self-abasement of the humility *topos*, even as he offers a more conservative reading of Chartier's poem, praying to God that "no trewe man be vexed, causeles, / As this man was" (852–53). Most modern readers have a hard time agreeing with this view of the bumbling lover, whose pleas are saturated with the worn clichés of amorous debate; but we can at least recognize the way in which Roos undoes some of the ambivalence of Chartier's text, choosing a more conservative, and less controversial stance. And we might, in this recognition, develop a little clearer understanding of the different aesthetic taste implied in Roos's rapprochement with Chartier's text. In clarifying these key stanzas, we are, in other words, restoring some of the imaginative and critical work that Roos himself engaged through his translation. C. S. Lewis said of Roos's translation (though he does not name him as its author), "Its real quality lies, not in occasional 'beauties' that can be penciled, but in its *aureum flumen*—the rich, even, melodious continuity of the whole."³⁸ Given Lewis's exacting standards, perhaps we should be paying closer attention to what Roos wrought.³⁹

³⁸ C.S. Lewis, *The Allegory of Love*, 246–47. Less graciously, he doubts whether Roos "was a perfect master of the original" and adds that "his version of the dialogue contains obscurities," 246.

³⁹ I would like to thank Robert Costomiris, Dana Symons, and the *Mediaeval Studies* editor and readers for their insightful reading and perceptive comments, which have greatly helped to clarify my argument.

APPENDIX A

Pynson's Moralizing Stanzas (from STC 5088)

“Lenvoy de imprimeur”

O ye lusty galondes of hote corage
 Put nat this example in oblyuion
 In loue beware/ use nat to great outrage
 But moderate your desyres by discretion
 This wyll it tourne to your owne confusyon
 and than yor frendes shall haue cause to morne
 your enemyes you mocke / & laugh to scorne.

And ye ladyes / endued with hye prudence
 Whan these disceitfull louers labour stylle
 With their fayned and paynted eloquence
 Their carnall lustes / to cause you to fulfyll
 Many a huge othe/ depose they wyll
 yet for all that / take hede aboue all thyng
 It is no loue they shewe / but blandisshyng

For very loue is that / that dothe couete
 His owne labour / his owne thinge to dispende
 To another persons pleasure and profete
 His own pleasure / in no wyse to attende
 But he that woyng a lady dothe entende
 Taccomplysshe his owne voluptuousnesse
 Loueth nat her / but loueth himself doutlesse

For he that by wordes / or gifts doth pursue
 To deprive a woman her best iewell
 As her good name & fame / & chast vertue
 Is signe of no good loue / but hate cruell
 Wherfore in reason / I may conclude well
 Who loueth his lady after suche rate
 Sheweth her no true loue / but most deadly hate.

And he that consydreth the necessitees
 Longyng to loue / as attendance / thoght / & care
 Labour / cost / and other incomoditees
 Prudently ought / to take hede and beware
 He finally shall fynde / none other welfare
 But for the atchyueng of one plesaunce
 To be sure to suffre / treble penaunce

Wherfore / ye gentyll people yong and olde
 Men or women/ what soever ye be
 To loue / I counsayle you be nat to bolde
 Exepte it be ordred to such degre
 As concerneth spousayle / in honeste
 yet / if ye wyll in feruent love excell
 Loue god above althing / & than do ye well.

Thus endethe the boke / called La Bell dame sauns mercy. And here foloweth certayne morall proverbes of the foresayd Geffray Chaucers doyng."

APPENDIX B

LBDSM, lines 813–28 (from Skeat's edition)

813	Ye trew lovers, this I beseche you al,
814	Such avantours, flee hem in every wyse,
815	And as people defamed ye hem cal;
816	For they, trewly, do you gret prejudyse.
817	Refus hath mad for al such flateryes
818	His castelles strong, stuffed with ordinaunce,
819	For they have had long tyme, by their offyce,
820	The hool countre of Love in obeysaunce.
821	And ye, ladyes, or what estat ye be,
822	In whom Worship hath chose his dwelling-place,
823	For goddes love, do no such cruelte,
824	Namely, to hem that have deserved grace.
825	Nor in no wyse ne folowe not the trace
826	Of her, that here is named rightwisly,
827	Which by resoun, me semeth, in this case
828	May be called La Belle Dame sans Mercy.

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The publication of *F* on microfiche is intended for scholars who, for various reasons, are not able to use the electronic version of *DOE* on CD-ROM. *F* constitutes the third largest letter in the Old English alphabet: this collection comprises some 3,014 words on 7,459 pages.

Field, Lester L. On the Communion of Damasus and Meletius: Fourth-Century Synodal Forumlae in the Codex Veronensis LX. ST 145. 2004; xii, 304 pp. Casebound. ISBN -145-2. \$69.95
Emerging from the Roman synods of the 370s, epistolary exemplars provided formulae that healed the schism between the two Nicene claimants to the see of Antioch. Since this union with the Western Church did not last past 381, the synodal formulae for reunion pose delicate problems of great import to Church history.

Filotas, Bernadette. Pagan Survivals, Superstitions, and Popular Cultures in Early Medieval Pastoral Literature. ST 151. 2005; x, 438 pp. Casebound. ISBN -151-7. \$89.95
This study explores early medieval popular culture as it appeared in ecclesiastical and secular law, sermons, penitentials, and other pastoral works—a selective but illuminating record of the beliefs and practices of ordinary Christians from circa 500 to 1000.

Franklin, Carmela Vircillo. The Latin Dossier of Anastasius the Persian: Hagiographic Translations and Transformations. ST 147. 2004; xii, 572 pp. Casebound. ISBN -147-9. \$119.95
An examination of the cultural and codicological contexts in which the cult of Anastasius the Persian and its hagiographic tradition were disseminated from the Greek East to the Latin West. Ten critical editions are included.

PUBLICATIONS

In the Garden of Evil: The Vices and Culture in the Middle Ages. Edited by Richard Newhauser. PMS 18. 2005; xxiv, 570 pp. Casebound. ISBN -818-X. \$94.95

The areas touched on in this collection of essays are numerous: from late-antique and late-medieval demonology to scholastic analytic philosophy, from sins of the tongue to “motions” of the heart, from penitentials and sermons to illuminations in the *bibles moralisées* and works in the *conflictus* genre, from discourse analysis to textual criticism.

Gilson, Etienne. **Thomism: The Philosophy of Thomas Aquinas.** Translated by †Laurence K. Shook and Armand Maurer. EGS 24. 2002; xvi, 454 pp.; Casebound. ISBN -724-8. \$74.95

The six editions of Gilson’s study devoted to the philosophy of Thomas Aquinas cover much of the scholarly life of their author. His revised sixth and final edition, published in 1965 and here put into English for the first time, presents his thoughts on the subject with new clarity and precision.

Guerric of Saint-Quentin. **Quaestiones de quolibet.** Edited by †Walter H. Principe, with Editorial Revision and a Preface by Jonathan Black. Introduction by Jean-Pierre Torrell. ST 143. 2002; xxxvi, 463 pp. Casebound. ISBN -143-6. \$84.95

The nine Quodlibets and fragments of five others attributed to this early Dominican master are among the earliest known quodlibetal questions. They are presented with an introduction (in French) examining the various theological subjects in the Latin text.

The Letters of Gregory the Great. Translated, with Introduction and Notes, by John R. C. Martyn. MST 40. 2004; 3 volumes: xxxiv, 962 pp. ISBN -290-4. \$94.95 for the set

This translation of the *Registrum epistularum* of Gregory the Great, the first complete version in English, will provide all medievalists access to one of the most important documentary collections to have survived from the period. All fourteen books of the letters are presented in three volumes: Books 1–4 appear in volume 1, Books 5–9 in the second volume, and Books 10–14 in the concluding volume.

Moore, Paul. **Iter Psellianum.** SM 26. 2005; xiv, 752 pp. Casebound. ISBN -375-7. \$145.95

Each entry in this catalogue raisonné of all the 1100 works attributed to Michael Psellos (ca. 1019–ca. 1078) provides the manuscript lemma, incipit and desinit, followed by a chronological listing of all printed editions and translations, a complete bibliography, and a finding list by city, library, fonds, and manuscript where each work is found.

Raymond of Penyafort. **Summa on Marriage.** Translated by Pierre Payer. MST 41. 2005; viii, 98 pp. ISBN -291-2. \$9.95

Raymond of Penyafort was born in 1175, died in 1275, and was canonized in 1601, the patron saint of canon lawyers. This work is a summary of learned reflection on marriage, its definition and ends, its stages and impediments, arrangements and consequences.

Religion, Text, and Society in Medieval Spain and Northern Europe: Essays in Honor of J.N. Hillgarth. Edited by Thomas E. Burns, Mark D. Meyerson, and Leah Shopkow. PMS 16. 2002; xx, 374 pp. Casebound. ISBN -816-3. \$84.95

The seventeen essays collected here explore elements of the history and culture of medieval Spain; the complex interaction between institutional structures of the church and the spirit that animated them; and various aspects of the life and works of Ramon Lull.

PUBLICATIONS

Ribordy, Geneviève. **“Faire les nopus”:** Le mariage de la noblesse française (1375–1475). ST 146. 2004; xxvi, 207 pp. Casebound. ISBN -146-0. \$44.95

This study, based on hundreds of marriage records from France, attempts to portray the relationship of the Church's view on marriage to the economic and political views of the nobility.

Rorem, Paul. **Eriugena's Commentary on the Dionysian Celestial Hierarchy.** ST 150. 2005; xiv, 242 pp. Casebound. ISBN -159-9. \$59.95

This study of Eriugena's *Expositiones* on the Pseudo-Dionysian *Celestial Hierarchy* focuses on its literary form, on the practices of translation and paraphrase, as well as on the philosophical theology. Translations of major sections of the *Expositiones* are appended.

Walter of Châtillon. **Saints' Lives: Brendan, Alexis, Thomas Becket.** Edited by Carsten Wollin. TMLT 27. 2002; viii, 104 pp. ISBN -477-X. \$7.95

These three poetic saints' lives were written anonymously but ascribed to Walter of Châtillon (ca. 1130-1200) because of their stylistic features.

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